

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 ONE HUNDRED SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 16, 2008

The House of Representatives convened at 12:00 noon and was called to order by Neva Walker, Speaker pro tempore.

Prayer was offered by Rabbi Jared H. Saks, Temple Israel, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dettmer	Hausman	Lenczewski	Norton	Simpson
Anderson, B.	Dill	Haws	Lesch	Olin	Slawik
Anderson, S.	Dittrich	Heidgerken	Liebling	Olson	Slocum
Anzelc	Dominguez	Hilstrom	Lieder	Otremba	Smith
Atkins	Doty	Hilty	Lillie	Ozment	Solberg
Beard	Drazkowski	Holberg	Loeffler	Paulsen	Swails
Benson	Eastlund	Hoppe	Madore	Paymar	Thao
Berns	Eken	Hornstein	Magnus	Peppin	Thissen
Bigham	Emmer	Hortman	Mahoney	Peterson, A.	Tillberry
Bly	Erhardt	Hosch	Mariani	Peterson, N.	Tingelstad
Brod	Erickson	Howes	Marquart	Peterson, S.	Tschumper
Brown	Faust	Huntley	Masin	Poppe	Urdahl
Brynaert	Finstad	Jaros	McFarlane	Rukavina	Wagenius
Buesgens	Fritz	Johnson	McNamara	Ruth	Walker
Bunn	Gardner	Juhnke	Moe	Ruud	Ward
Carlson	Garofalo	Kahn	Morgan	Sailer	Wardlow
Clark	Gottwalt	Kalin	Morrow	Scalze	Welti
Cornish	Greiling	Knuth	Mullery	Seifert	Westrom
Davnie	Gunther	Koenen	Murphy, E.	Sertich	Winkler
Dean	Hackbarth	Kohls	Murphy, M.	Severson	Wollschlager
DeLaForest	Hamilton	Laine	Nelson	Shimanski	Zellers
Demmer	Hansen	Lanning	Nornes	Simon	Spk. Kelliher

A quorum was present.

Pelowski was excused until 8:00 p.m. Kranz was excused until 9:35 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Lesch moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 3322 and H. F. No. 3809, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Huntley moved that the rules be so far suspended that S. F. No. 3322 be substituted for H. F. No. 3809 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 3322 was read for the second time.

The Speaker assumed the Chair.

Juhnke moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS**RECONVENED**

The House reconvened and was called to order by Speaker pro tempore Juhnke.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3082

A bill for an act relating to retirement; various retirement plans; adding two employment positions to the correctional state employees retirement plan; including certain departments of the Rice Memorial Hospital in Willmar and the Worthington Regional Hospital in privatized public employee retirement coverage; providing for the potential dissolution of the Minnesota Post Retirement Investment Fund; increasing teacher retirement plan reemployed annuitant earnings limitations; temporarily exempting Metropolitan Airports Commission police officers from reemployed annuitant earnings limits; mandating joint and survivor optional annuities rather than single life annuities as basic annuity form; making various changes in retirement plan administrative provisions; clarifying general state employee retirement plan alternative coverage elections by certain unclassified state employees retirement program participants; clarifying direct state aid for the teacher retirement associations; clarifying the handling of unclaimed retirement accounts in the individual retirement account plan; providing for a study of certain Minnesota State Colleges and Universities System tenure track faculty members; modifying the manner in which official actuarial work for public pension plans is performed; allowing pension plans greater latitude in setting salary and payroll assumptions; extending amortization target dates for various retirement plans; making the number and identity of tax-sheltered annuity vendors a mandatory bargaining item for school districts and their employees; allowing a certain firefighter relief association certain benefit increases; providing for certain teacher retirement benefit and contribution increases; allowing security broker-dealers to directly hold local pension plan assets; increasing upmost flexible service pension maximum amounts for volunteer firefighters; creating a voluntary statewide volunteer firefighter retirement plan advisory board within the Public Employees Retirement

Association; allowing various retirement plans to accept labor union retired member dues deduction authorizations; authorizing various prior service credit purchases; authorizing certain service credit and coverage transfers; authorizing a disability benefit application to be rescinded; authorizing a retirement coverage termination; providing an additional benefit to certain injured Minneapolis bomb squad officers; allowing certain Independent School District No. 625 school board members to make back defined contribution retirement plan contributions; revising post-2009 additional amortization state aid allocations; modifying PERA-P&F duty disability benefit amounts; authorizing a PERA prior military service credit purchase; revising the administrative duties of the board and the executive director of the Minnesota State Retirement System; increasing pension commission membership; appropriating money; amending Minnesota Statutes 2006, sections 3.85, subdivision 3; 6.67; 11A.18, subdivision 9, by adding subdivisions; 16A.055, subdivision 5; 43A.346, subdivisions 4, 5, 6, 7; 69.011, subdivision 1; 123B.02, subdivision 15; 127A.50, subdivision 1; 352.03, subdivisions 4, 5; 352.12, subdivision 2; 352.22, subdivision 10; 352.931, subdivision 1; 352.97; 352.98, subdivisions 1, 2, 3, 4, 5; 352D.075, subdivision 2a; 353.01, subdivisions 10, 11a, by adding a subdivision; 353.27, by adding a subdivision; 353.30, subdivision 3; 353.33, subdivision 5; 353.64, subdivision 11; 353.656, subdivision 2; 353D.05, subdivision 2; 353D.12, subdivision 4; 353E.07, subdivision 7; 354.05, subdivisions 37, 38; 354.33, subdivision 5; 354.42, subdivisions 2, 3; 354.44, subdivision 5; 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a, 3a; 354A.31, subdivisions 3, 4, 4a, 7; 354B.20, by adding a subdivision; 354B.25, subdivision 5, by adding a subdivision; 354C.165; 356.20, subdivisions 1, 2, 3, 4, 4a; 356.214, subdivisions 1, 3, by adding a subdivision; 356.215, subdivisions 1, 2, 3, 8, 11, 18; 356.24, subdivision 1; 356.315, by adding a subdivision; 356.41; 356.46, as amended; 356.47, subdivision 3; 356.551, subdivision 2; 356.611, subdivision 2, by adding a subdivision; 356A.06, subdivisions 1, 7, 8b; 356B.10, subdivision 3; 363A.36, subdivision 1; 383B.914, subdivision 7; 423A.02, subdivision 1b; 424A.001, subdivision 6, by adding a subdivision; 424A.02, subdivisions 3, 7, 9; 424A.05, subdivision 3; 518.003, subdivision 8; Minnesota Statutes 2007 Supplement, sections 43A.346, subdivisions 1, 2; 352.01, subdivision 2a; 352.017, subdivision 2; 352.91, subdivision 3d; 352.955, subdivisions 3, 5; 352D.02, subdivisions 1, 3; 353.01, subdivision 2b; 353.0161, subdivision 2; 353.27, subdivision 14; 353.32, subdivision 1a; 353.656, subdivision 1; 353.657, subdivision 2a; 353F.02, subdivision 4; 354.096, subdivision 2; 354.44, subdivision 6; 354.72, subdivision 2; 354A.12, subdivision 3c; 354C.12, subdivision 4; 356.96, subdivision 1; 422A.06, subdivision 8; Laws 2002, chapter 392, article 2, section 4; Laws 2006, chapter 271, article 5, section 5; proposing coding for new law in Minnesota Statutes, chapters 11A; 352; 353D; 353F; 354; 354C; 356; 423A; repealing Minnesota Statutes 2006, sections 352.96; 354.44, subdivision 6a; 354.465; 354.51, subdivision 4; 354.55, subdivisions 2, 3, 6, 12, 15; 354A.091, subdivisions 1a, 1b; 354A.12, subdivision 3a; 355.629; 356.214, subdivision 2; 356.215, subdivision 2a; Minnesota Statutes 2007 Supplement, section 354A.12, subdivisions 3b, 3c; Laws 1965, chapter 592, sections 3, as amended; 4, as amended; Laws 1967, chapter 575, sections 2, as amended; 3; 4; Laws 1969, chapter 352, section 1, subdivisions 3, 4, 5, 6; Laws 1969, chapter 526, sections 3; 4; 5, as amended; 7, as amended; Laws 1971, chapter 140, sections 2, as amended; 3, as amended; 4, as amended; 5, as amended; Laws 1971, chapter 214, section 1, subdivisions 1, 2, 3, 4, 5; Laws 1973, chapter 304, section 1, subdivisions 3, 4, 5, 6, 7, 8, 9; Laws 1973, chapter 472, section 1, as amended; Laws 1975, chapter 185, section 1; Laws 1985, chapter 261, section 37, as amended; Laws 1991, chapter 125, section 1; Laws 1993, chapter 244, article 4, section 1; Laws 2005, First Special Session chapter 8, article 1, section 23; Minnesota Rules, parts 7905.0100; 7905.0200; 7905.0300; 7905.0400; 7905.0500; 7905.0600; 7905.0700; 7905.0800; 7905.0900; 7905.1000; 7905.1100; 7905.1200; 7905.1300; 7905.1400; 7905.1500; 7905.1600; 7905.1700; 7905.1800; 7905.1900; 7905.2000; 7905.2100; 7905.2200; 7905.2300; 7905.2400; 7905.2450; 7905.2500; 7905.2560; 7905.2600; 7905.2700; 7905.2800; 7905.2900.

May 15, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3082 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3082 be further amended as follows:

Page 13, after line 1, insert:

"Sec. 7. **TEACHER RETIREMENT BENEFITS.**

The Legislative Commission on Pensions and Retirement shall review issues related to Minnesota teacher benefit adequacy and shall compare the level of teacher pension benefits in Minnesota and other states. The commission must report by January 15, 2009, to the chairs and ranking minority members of the legislative committees with jurisdiction over public pensions and education policy and finance.

EFFECTIVE DATE. This section is effective June 30, 2008."

Page 59, delete article 7

Page 92, delete section 1 and insert:

"Section 1. Minnesota Statutes 2006, section 123B.02, subdivision 15, is amended to read:

Subd. 15. **Annuity contract; payroll allocation.** (a) At the request of an employee and as part of the employee's compensation arrangement, the board may purchase an individual annuity contract for an employee for retirement or other purposes and may make payroll allocations in accordance with such arrangement for the purpose of paying the entire premium due and to become due under such contract. The allocation must be made in a manner which will qualify the annuity premiums, or a portion thereof, for the benefit afforded under section 403(b) of the current Federal Internal Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own such contract and the employee's rights under the contract shall be nonforfeitable except for failure to pay premiums. Section 122A.40 shall not be applicable hereto and the board shall have no liability thereunder because of its purchase of any individual annuity contracts. This statute shall be applied in a nondiscriminatory manner to employees of the school district. The identity and number of the available vendors under federal Internal Revenue Code section 403(b) is a term and condition of employment under section 179A.03.

(b) When considering vendors under paragraph (a), the school district and the exclusive representative of the employees shall consider all of the following:

(1) the vendor's ability to comply with all employer requirements imposed by section 403(b) of the Internal Revenue Code of 1986 and its subsequent amendments, other provisions of the Internal Revenue Code of 1986 that apply to section 403(b) of the Internal Revenue Code, and any regulation adopted in relation to these laws;

(2) the vendor's experience in providing 403(b) plans;

(3) the vendor's potential effectiveness in providing client services attendant to its plan and in relation to cost;

(4) the nature and extent of rights and benefits offered under the vendor's plan;

(5) the suitability of the rights and benefits offered under the vendor's plan;

(6) the vendor's ability to provide the rights and benefits offered under its plan; and

(7) the vendor's financial stability.

EFFECTIVE DATE. This section is effective August 1, 2008."

Page 105, delete article 14

Page 140, line 17, delete "partisan"

Page 140, delete article 18 and insert:

"ARTICLE 16

SMALL GROUP PROVISIONS

Section 1. **PUBLIC EMPLOYEES RETIREMENT ASSOCIATION COVERAGE TERMINATION.**

Subdivision 1. **Eligibility.** (a) An eligible individual specified in paragraph (b) is authorized to apply for a retirement annuity, provided necessary age and service requirements are met, under Minnesota Statutes, section 353.29 or 353.30, as applicable, as further specified under subdivision 2.

(b) An eligible individual is an individual who:

(1) was employed by Independent School District No. 535, Rochester, on October 6, 1993, and became a member of the Public Employees Retirement Association coordinated plan;

(2) terminated from Independent School District No. 535, Rochester, on December 31, 2003;

(3) was elected to the Rochester City Council on April 22, 2003, and sworn in on May 5, 2003;

(4) was reelected to the Rochester City Council and took office in November 2004;

(5) continued to work for Olmsted County on a contract basis, while serving on the city council;

(6) elected under law then applicable to have Public Employees Retirement Association coordinated plan coverage for the city council elected service; and

(7) terminated Independent School District No. 535, Rochester, employment but is unable to commence receipt of a Public Employees Retirement Association coordinated plan annuity because of the continuing Public Employees Retirement Association coordinated plan coverage for the elected city council service and for Olmsted County.

Subd. 2. **Retirement annuity.** (a) Notwithstanding an irrevocable election to participate in the Public Employees Retirement Association coordinated plan as an elected official and continuation of elected service, an eligible individual under subdivision 1, paragraph (b), is deemed to have terminated membership under Minnesota Statutes, section 353.01, subdivision 11b, following termination of the Olmsted County employment.

(b) If the requirements of paragraph (a) are satisfied, the eligible individual may apply for a retirement annuity under Minnesota Statutes, section 353.29 or 353.30, as applicable. In computing the annuity, the Public Employees Retirement Association must exclude salary due to the elected Rochester City Council service. Deferred annuity augmentation under Minnesota Statutes, section 353.71, applies to this annuity.

Subd. 3. **Treatment of Rochester City Council contributions to the Public Employees Retirement Association.** (a) All employee contributions to the Public Employees Retirement Association coordinated plan by an eligible individual in subdivision 1, paragraph (b), due to the elected Rochester City Council service, and all corresponding employer contributions, must be determined.

(b) An eligible individual under subdivision 1, paragraph (b), must elect, within one year of the effective date of this section or upon termination of elective service, whichever is earlier, a refund under Minnesota Statutes, section 353.34, subdivision 2, of employee contributions determined under paragraph (a), or coverage by the public employees defined contribution plan under Minnesota Statutes, chapter 353D, as further specified in paragraph (c).

(c) If public employee defined contribution plan coverage is elected under paragraph (b), contributions to that plan commence as of the first day of the pay period following this election, and accumulated employee and employer contributions determined under paragraph (a) must be transferred with six percent annual interest to an account for the eligible individual in the public employees defined contribution plan.

(d) If no election is made by an eligible individual by the required date in paragraph (b), the individual is assumed to have elected the refund indicated in paragraph (b).

(e) Upon an election under paragraph (b), or a mandatory refund under paragraph (d), all rights in the Public Employees Retirement Association coordinated plan due to elected Rochester City Council service are forfeited and may not be reestablished.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. PERA-GENERAL; ST. PAUL PUBLIC WORKS EMPLOYEE; RETIREMENT ANNUITY REVOCATION.

(a) Notwithstanding any provision of Minnesota Statutes, chapter 353, to the contrary, an eligible person described in paragraph (b) is entitled to withdraw a retirement annuity application previously filed with the general employees retirement plan of the Public Employees Retirement Association and to apply for a disability benefit if determined to have been totally and permanently disabled as of the date of the termination of active employment.

(b) An eligible person is a person who:

(1) was born on March 9, 1949;

(2) was an employee of the Department of Public Works of the city of St. Paul prior to terminating active employment;

(3) suffered an employment-related shoulder injury on May 9, 2006;

(4) suffers from and has been treated for stress and related disorders; and

(5) filed an application for a retirement annuity from the general employees retirement plan of the Public Employees Retirement Association on December 12, 2006, without being provided with a disability benefit application and without being provided with any benefit counseling by the Public Employees Retirement Association.

(c) If the eligible person, upon withdrawing the retirement annuity application in writing and upon filing a disability benefit application with the Public Employees Retirement Association, is determined to have been totally and permanently disabled as of the date of the termination of active employment under Minnesota Statutes, sections 353.01, subdivision 19, and 353.33, the eligible person is entitled to receive a disability benefit effective retroactively from the date on which the eligible person terminated active employment, under the same annuity option selection made on December 12, 2006. The amount of any increased benefit amount between the date of the termination of active employment and the disability determination date is payable in a lump sum as soon as is practicable following the disability determination date.

(d) If the previously filed retirement annuity application is withdrawn under this section and the eligible person is determined not to have been totally and permanently disabled as of the date of the termination of active employment, the prior retirement annuity application is reinstated.

(e) The authority to withdraw a previously filed retirement annuity application under this section expires on January 1, 2009.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any eligible person who was a public employee on December 1, 2006.

Sec. 3. PERA-P&F; TRANSFER OF SERVICE CREDIT FOR PRIOR MAPLE GROVE CITY EMPLOYMENT PERIOD.

Subdivision 1. **Authorization.** An eligible person described in subdivision 2 is authorized to have service credit transferred under subdivision 3 upon the payment of the additional amounts required under subdivision 4 and upon the substantiation of the nature of the employment under subdivision 5.

Subd. 2. **Eligible person.** For purposes of this section, an eligible person is a person who:

(1) was born on April 12, 1956;

(2) was initially employed by the city of Maple Grove on February 16, 1988;

(3) was employed as a full-time fire inspector by the fire-rescue department of the city of Maple Grove, including daytime response to fire calls, with retirement coverage by the coordinated program of the general employees retirement plan of the Public Employees Retirement Association, on April 2, 1990; and

(4) was transferred to retirement coverage by the public employees police and fire retirement plan as a fire inspector by Maple Grove city council action on January 1, 1996.

Subd. 3. **Service credit transfer.** (a) An eligible person, upon filing a written application as prescribed by the executive director of the Public Employees Retirement Association and upon compliance with subdivisions 4 and 5, shall have service credit for the period from April 2, 1990, to January 1, 1996, transferred from the coordinated program of the general employees retirement plan to the public employees police and fire retirement plan on the first of the month next following the receipt of the additional payments under subdivision 4.

(b) Upon the transfer of service credit under paragraph (a), the service credit of the eligible person in the coordinated program of the general employees retirement plan for the period from April 2, 1990, to January 1, 1996, is forfeited and may not be subsequently restored under Minnesota Statutes, section 353.35, or any other applicable provision of law.

Subd. 4. **Additional payment amounts.** (a) Accompanying the written application under subdivision 3, the eligible person shall include an additional member contribution payment for the period from April 2, 1990, to January 1, 1996. The additional member contribution payment amount is the difference between the member contribution rate under Minnesota Statutes, section 353.65, subdivision 2, and the member contribution rate under Minnesota Statutes, section 353.27, subdivision 2, applied to the eligible person's total covered salary for the period from April 2, 1990, to January 1, 1996, plus annual compound interest from August 1, 1993, to the date on which the payment is made at the rate of 8.5 percent.

(b) Upon receipt of the additional member contributions under paragraph (a), the executive director of the Public Employees Retirement Association shall notify the city of Maple Grove that the payment was made and the amount of the additional employer contribution. Within 30 days of the receipt of the notification from the Public Employees Retirement Association, the city of Maple Grove shall pay the additional employer contribution amount. The amount is the difference between the present value of the eligible person's combined retirement annuity from the coordinated program of the general employees retirement plan and from the public employees police and fire retirement plan as of the end of the month preceding the payment of the additional member contribution amount and the present value of the potential retirement annuity from the public employees police and fire retirement plan if the service credit transfer occurred as of the same date, reduced by the amount of the retirement plan asset transfer under paragraph (c) and by the amount of the additional member contribution amount. The present value computation must be made by the actuary retained under Minnesota Statutes, section 356.214, and must utilize the applicable actuarial assumptions under Minnesota Statutes, section 356.215. The additional employer contribution amount must be paid in a lump sum. If the additional employer contribution payment is not made in a timely fashion, the executive director of the Public Employees Retirement Association shall notify the commissioners of finance and revenue of that fact and the commissioners shall deduct the required amount from any state aid or other state payment amount applicable to the city, plus interest on the amount at the rate of one percent per month from the payment due date to the actual payment date.

(c) Upon the receipt of the additional member contribution under paragraph (a), the executive director shall transfer an amount equal to double the eligible person's member contributions to the coordinated program of the general employees retirement plan for the period from April 2, 1990, to January 1, 1996, plus compound interest at the annual rate of 8.5 percent from August 1, 1993, to the date of transfer from the general employees retirement fund to the public employees police and fire retirement fund.

Subd. 5. **Public safety employment substantiation.** Service credit is transferrable under this section only if the employment for the city of Maple Grove by the eligible person during the period from April 2, 1990, to January 1, 1996, is documented as constituting firefighter employment sufficient to qualify for public employees police and fire retirement plan membership and eligibility if the city of Maple Grove had adopted the resolution under Minnesota Statutes, section 353.64, subdivision 2, as of April 2, 1990. The city of Maple Grove and the eligible person must provide any relevant documentation required by the executive director of the Public Employees Retirement Association.

Subd. 6. **Expiration.** Authority to transfer service credit under this section expires on July 1, 2009.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. **TEACHERS RETIREMENT ASSOCIATION COVERAGE ELECTION FOR CERTAIN MNSCU FACULTY MEMBERS.**

(a) Notwithstanding any provision to the contrary of Minnesota Statutes, chapter 354B, an eligible person described in paragraph (b) may elect prospective and retroactive retirement coverage under paragraph (c).

(b) An eligible person is a person who:

(1) was born on December 9, 1954;

(2) was initially employed by the Minnesota State Colleges and Universities system on a part-time basis at Metropolitan State University on January 12, 2004;

(3) was first employed in excess of 25 percent of full-time employment by the Minnesota State Colleges and Universities system on August 27, 2005;

(4) was covered by the higher education individual retirement account plan because of a failure of the Minnesota State Colleges and Universities system to advise about the default retirement coverage provision of Minnesota Statutes, section 354B.21, subdivision 3; and

(5) became a full-time employee of the Minnesota State Colleges and Universities system as a full-time faculty member at Metropolitan State University on July 17, 2007.

(c) An eligible person may elect retirement coverage by the Teachers Retirement Association rather than the higher education individual retirement account plan for faculty employment rendered after the date of the retirement coverage election under this section and for past Minnesota State Colleges and Universities system faculty employment from January 12, 2004, until the date of the retirement coverage election. The election must be made in writing, must be filed with the executive director of the Teachers Retirement Association, and must be accompanied with any relevant documentation required by the executive director of the Teachers Retirement Association.

(d) If an eligible person makes the retirement coverage election under paragraph (c), the eligible person's member contributions to the higher education individual retirement account plan must be transferred to the Teachers Retirement Association, with any earned investment returns on those contributions. If the transferred member contributions and investment earnings are less than the calculated amount of the member contribution that the eligible person would have made to the Teachers Retirement Association on the eligible person's compensation from the Minnesota State Colleges and Universities system for the period from August 27, 2005, to the date of the retirement coverage election, if the person had been covered by the Teachers Retirement Association during the period, plus annual compound interest at the rate of 8.5 percent, the eligible person shall pay the balance of that calculated member contribution obligation within 30 days of the retirement coverage election. Any payment may be made through an institution-to-institution transfer from the eligible person's account in the Minnesota state deferred compensation program or the eligible person's tax-sheltered savings account under the federal Internal Revenue Code, section 403(b).

(e) Upon the transfer of the equivalent member contribution amount and any additional payments under paragraph (d), the balance of the eligible person's higher education individual retirement account plan account must be transferred to the Teachers Retirement Association. If the amounts under paragraph (d) and the higher education individual retirement account plan account balance under this paragraph are less than the prior service credit purchase payment amount calculated under Minnesota Statutes, section 356.551, the Minnesota State Colleges and Universities system shall pay that difference within 60 days of the retirement coverage election date.

(f) Upon the transfers and payments under paragraphs (d) and (e), the eligible person must be credited by the Teachers Retirement Association with allowable and formula service for Minnesota State Colleges and Universities system employment since January 12, 2004.

(g) The authority to make a retirement coverage election under this section expires on January 1, 2009.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. **TEACHERS RETIREMENT ASSOCIATION; SERVICE CREDIT PURCHASE AUTHORIZATION.**

(a) Notwithstanding any provision of Minnesota Statutes, chapter 354, to the contrary, an eligible person described in paragraph (b) may purchase allowable and formula service credit under Minnesota Statutes, section 354.05, subdivisions 13 and 25, from the Teachers Retirement Association, for the period of prior out-of-state teaching service specified in paragraph (c), by making the payment required under paragraph (d).

(b) An eligible person is a person who:

(1) was born on April 7, 1976;

(2) was a teacher at the Edwardsville High School in O'Fallon, Illinois, during the 1998-1999, 1999-2000, 2000-2001, and 2001-2002 school years;

(3) was a teacher for Independent School District No. 196, Rosemount, at the Apple Valley High School during the 2002-2003, 2003-2004, 2004-2005, 2005-2006, and 2006-2007 school years; and

(4) was on a leave of absence from Independent School District No. 196, Rosemount, for the 2007-2008 school year.

(c) The period of prior service credit available for purchase is up to 4.188 years, representing Illinois teaching service rendered during the 1998-1999, 1999-2000, 2000-2001, and 2001-2002 school years. The prior service credit may not exceed one year of service credit in any school year and may not include any prior teaching service that entitles the eligible person to a current or deferred age and service retirement annuity or disability benefit from the Illinois Teachers Retirement System or that was previously subject to a prior service credit purchase from another defined benefit public employee retirement plan.

(d) The purchase payment amount under this section is the amount calculated under Minnesota Statutes, section 356.551. If permitted by federal law and Illinois state law, the purchase payment obligation may be met in whole or in part by an institution-to-institution transfer of the eligible person's account balance in the Illinois Teachers Retirement System.

(e) The election to purchase prior service credit under this section must be made in writing and must be filed with the executive director of the Teachers Retirement Association. The executive director of the Teachers Retirement Association may require the documentation of the applicability of this section and any other relevant information from the eligible person.

EFFECTIVE DATE; EXPIRATION. This section is effective the day following final enactment and expires on January 1, 2010.

Sec. 6. **REVISED TOTAL AND PERMANENT DISABILITY BENEFIT, MINNEAPOLIS BOMB SQUAD DISABILITANT.**

(a) Notwithstanding Minnesota Statutes 2007 Supplement, section 353.656, subdivision 1a, to the contrary, an eligible person specified in paragraph (b) is entitled to the benefit specified in paragraph (c).

(b) An eligible person is a person who:

(1) was born on September 9, 1964;

(2) was injured on February 9, 2005, while working as a police officer on the city of Minneapolis bomb squad, causing traumatic brain injury;

(3) because of ineligibility for coverage under the federal Old Age, Survivors, and Disability Insurance Program, is not eligible for federal Old Age, Survivors, and Disability Insurance Program disability benefits; and

(4) commenced receiving public employees police and fire retirement plan disability benefits on August 12, 2006.

(c) The disability benefit payable to an eligible person specified in paragraph (b) is 75 percent of average salary as defined in Minnesota Statutes, section 353.01, subdivision 17a. The benefit specified in this paragraph commences on the first day of the month after the effective date, and is in lieu of the disability benefit otherwise provided by law.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. PERA CONSOLIDATED INDEPENDENT SCHOOL DISTRICT NO. 2859, GLENCOE/SILVER LAKE, ANNUITANT WAIVER OF REPAYMENT REQUIREMENT.

(a) Notwithstanding any provisions of Minnesota Statutes 2007 Supplement, section 353.01, subdivision 28, to the contrary, an eligible person described in paragraph (b) must be considered by the executive director of the Public Employees Retirement Association to have retired on September 30, 2003, although the person rendered service in October 2003 as an employee of an independent contractor which provided services to the same governmental subdivision from which the individual terminated service on September 30, 2003.

(b) An eligible person is a person who:

(1) was born on November 13, 1944;

(2) was hired on August 17, 1964, by Independent School District No. 422, Glencoe, predecessor of the now consolidated Independent School District No. 2859, Glencoe/Silver Lake, with coverage by the general employees retirement plan of the Public Employees Retirement Association;

(3) terminated employment as manager of the grounds and transportation for the school district on September 30, 2003; and

(4) relying upon incomplete or erroneous information provided by the Public Employees Retirement Association regarding separation from service requirements as it applies to independent contractor employment, became an employee in October 2003 of the independent contractor providing bus service for the same school district.

(c) Notwithstanding Minnesota Statutes, section 353.27, subdivision 7b, an eligible person described in paragraph (b) must not be required to repay, through suspension or reduction of the annuity or any other means, any Public Employees Retirement Association general plan retirement annuity amount received before December 31, 2004.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 8. PERA-GENERAL; CITY OF ST. PAUL EMPLOYEE SERVICE CREDIT PURCHASE.

(a) An eligible person described in paragraph (b) is entitled to purchase allowable service credit from the general employees retirement plan of the Public Employees Retirement Association for the period of employment by the city of St. Paul between May 1, 1982, and March 31, 1984, that qualified as employment by a public employee under Minnesota Statutes 1982, section 353.01, subdivision 2, that was not previously credited by the retirement plan.

(b) An eligible person is a person who:

(1) was born on March 25, 1960;

(2) was first employed by the city of St. Paul on April 23, 1979;

(3) qualified for Public Employees Retirement Association general plan coverage in May 1982 but was not reported by the city of St. Paul to the Public Employees Retirement Association for coverage until April 1984; and

(4) became a member of the general employees retirement plan of the Public Employees Retirement Association in April 1984.

(c) The eligible person described in paragraph (b) is authorized to apply with the executive director of the Public Employees Retirement Association to make the service credit purchase under this section. The application must be in writing and must include all necessary documentation of the applicability of this section and any other relevant information that the executive director may require.

(d) Allowable service credit under Minnesota Statutes, section 353.01, subdivision 16, must be granted by the general employees retirement plan of the Public Employees Retirement Association to the account of the eligible person upon the receipt of the prior service credit purchase payment amount required under Minnesota Statutes, section 356.551.

(e) Of the prior service credit purchase payment amount under Minnesota Statutes, section 356.551, the eligible person must pay an amount equal to the employee contribution rate or rates in effect during the uncredited employment period applied to the actual salary rates in effect during the period, plus annual compound interest at the rate of 8.5 percent from the date the member contribution payment should have been made if made in a timely fashion until the date on which the contribution is actually made. If the equivalent member contribution payment, plus interest, is made, the city of St. Paul shall pay the balance of the total prior service credit purchase payment amount under Minnesota Statutes, section 356.551, within 60 days of notification by the executive director of the Public Employees Retirement Association that the member contribution equivalent payment has been received by the association.

(f) Authority for an eligible person to make a prior service credit purchase under this section expires on June 30, 2009, or upon termination of employment covered by the Public Employees Retirement Association, whichever is earlier.

(g) If the city of St. Paul fails to pay its portion of the prior service credit purchase payment amount under paragraph (e), the executive director of the Public Employees Retirement Association must notify the commissioners of finance and revenue of that fact and the commissioners shall order the deduction of the required payment amount from the next payment of any state aid to the city of St. Paul and the commissioners shall transmit the applicable amount to the general employees retirement fund of the Public Employees Retirement Association.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 9. ST. PAUL SCHOOL BOARD; PRIOR SERVICE PURCHASE.

(a) An eligible person described in paragraph (b) is entitled to purchase prior uncredited service rendered as a member of the board of education of Independent School District No. 625, St. Paul, from the defined contribution retirement plan of the Public Employees Retirement Association.

(b) An eligible person is a person who has one of the following combinations of date of birth, date of initial membership on the board of education of Independent School District No. 625, St. Paul, and first enrolled in the public employees defined contribution plan:

<u>person</u>	<u>birth date</u>	<u>date of initial school board membership</u>	<u>date of enrollment in public employees defined contribution plan</u>
<u>A</u>	<u>January 10, 1955</u>	<u>January 1, 2000</u>	<u>August 28, 2007</u>
<u>B</u>	<u>May 15, 1957</u>	<u>January 1, 2006</u>	<u>January 20, 2007</u>
<u>C</u>	<u>May 7, 1960</u>	<u>January 1, 1992</u>	<u>February 17, 1998</u>
<u>D</u>	<u>July 16, 1969</u>	<u>January 1, 2004</u>	<u>April 13, 2007</u>

(c) To make the purchase, eligible persons A, B, and D shall pay an amount equal to five percent of the salary of the eligible person between the date of the initial school board membership and the date of enrollment in the public employees defined contribution plan, plus compound interest on that amount from the midpoint of that period to the date of payment. To make the purchase, eligible person C shall make two payments, one before December 15, 2008, and the other after January 1, 2009, and before January 31, 2010, each in an amount equal to 2.5 percent of the salary of the eligible person between January 1, 1992, and February 17, 1998, plus compound interest on that amount at the rate of six percent from July 1, 1994, to the date of payment.

(d) If the eligible person makes the payment under paragraph (c), Independent School District No. 625, St. Paul, shall pay an amount equal to the payment amount or amounts under paragraph (c). The employer payment or payments must be made within ten days of the date of notification of the eligible person's payment by the executive director of the Public Employees Retirement Association.

(e) This authority expires on May 31, 2010, or on the first day of the month next following the conclusion of the eligible member's elected public service, whichever occurs earlier.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 10. **TEACHERS RETIREMENT ASSOCIATION; SERVICE CREDIT PURCHASE AUTHORIZATION.**

(a) Notwithstanding any provision of Minnesota Statutes, chapter 354, to the contrary, unless the period to be purchased is credited as allowable service by another retirement plan covered by Minnesota Statutes, section 356.30, or is ineligible for credit as allowable or formula service under Minnesota Statutes, chapter 354, an eligible person described in paragraph (b) may purchase allowable and formula service credit under Minnesota Statutes, section 354.05, subdivisions 13 and 25, from the Teachers Retirement Association, for the period specified in paragraph (c), by making the payment required under paragraph (d).

(b) An eligible person is a person who:

(1) was born on December 8, 1974; and

(2) took a leave of absence from teaching in Wayzata, Independent School District, No. 284, from January, 2006, through March, 2006, during which the person did not receive allowable and formula service credit from the Teachers Retirement Association.

(c) The period of prior service credit available for purchase is 26.5 days.

(d) The purchase payment amount under this section is the amount calculated in Minnesota Statutes, section 356.551.

(e) The election to purchase prior service credit under this section must be made in writing and must be filed with the executive director of the Teachers Retirement Association. The executive director may require documentation of the applicability of this section and any other relevant information from the eligible person.

EFFECTIVE DATE; EXPIRATION. (a) This section is effective the day following final enactment.

(b) This section expires on June 30, 2009.

Sec. 11. **MSRS-UNCLASSIFIED PROGRAM; MARITAL PROPERTY DIVISION.**

(a) An eligible state employee described in paragraph (b) may elect to have the person's account in the unclassified state employees retirement program of the Minnesota State Retirement System governed by Minnesota Statutes, chapter 352D, divided as provided in a marital property division decree as part of a marriage dissolution action prior to the date on which the person terminates state employment.

(b) An eligible state employee is a person who:

(1) was born on July 19, 1953;

(2) was employed by the State Lottery in October 1989; and

(3) filed a marital property division decree from a marriage dissolution action with the executive director of the Minnesota State Retirement System.

(c) The former spouse of an eligible state employee, following the division election under paragraph (a), may, upon filing a written application, withdraw the cash value of the shares to the credit of the former spouse or leave those shares on deposit in the supplemental investment fund.

(d) If the eligible state employee described in paragraph (b) exercises a retirement coverage transfer option election under Minnesota Statutes, section 352D.02, subdivision 3, and if the eligible state employee had previously exercised the division election under paragraph (a), the redemption of shares by the eligible state employee under Minnesota Statutes, section 352D.02, subdivision 3, is limited to the employee's portion of the total account amount and the allowable service credit of the employee in the general state employees retirement plan obtained by the election must bear the same relationship to the total state employment of the employee that the employee's portion of the total account bears to the total account amount. An election by an eligible state employee under Minnesota Statutes, section 352D.02, subdivision 3, does not apply to the former spouse and does not prevent the former spouse from utilizing Minnesota Statutes, section 352D.05, at any time after the division election under paragraph (a) is made or Minnesota Statutes, section 352D.06, when the former spouse attains at least age 55.

(e) A division election under paragraph (a) is irrevocable.

EFFECTIVE DATE. This section is effective the day following final enactment."

Page 153, delete article 19

ReNUMBER the articles in sequence

Amend the title as follows:

Page 1, line 11, delete everything after the semicolon

Page 1, delete line 12

Page 1, line 13, delete everything before "clarifying"

Page 1, line 22, delete "providing" and insert "requiring a review of teacher benefits;"

Page 1, line 23, delete everything before "allowing"

Page 1, line 38, delete everything before "appropriating"

Correct the title numbers accordingly

We request the adoption of this report and repassage of the bill.

House Conferees: MARY MURPHY, PHYLLIS KAHN, PAUL THISSEN, MICHAEL V. NELSON AND STEVE SMITH.

Senate Conferees: DON BETZOLD, DAN LARSON, MARY A. OLSON, ANN LYNCH AND BETSY L. WERGIN.

Murphy, M., moved that the report of the Conference Committee on H. F. No. 3082 be adopted and that the bill be repassed as amended by the Conference Committee.

Wardlow moved that the House refuse to adopt the Conference Committee report on H. F. No. 3082, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Wardlow motion and the roll was called.

Pursuant to rule 2.05, Speaker pro tempore Juhnke excused Ozment from voting on the Wardlow motion relating to H. F. No. 3082, as amended by Conference.

There were 41 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abeler	Brown	Doty	Haws	Nornes	Tingelstad
Anderson, B.	Buesgens	Emmer	Heidgerken	Olin	Tschumper
Anderson, S.	Cornish	Erickson	Kohls	Olson	Urdahl
Anzelc	Dean	Faust	Lanning	Paulsen	Ward
Berns	DeLaForest	Finstad	Magnus	Peterson, S.	Wardlow
Bly	Dettmer	Gardner	Marquart	Rukavina	Westrom
Brod	Dittrich	Hamilton	McFarlane	Simpson	

Those who voted in the negative were:

Atkins	Bigham	Carlson	Demmer	Drazkowski	Erhardt
Beard	Brynaert	Clark	Dill	Eastlund	Fritz
Benson	Bunn	Davnie	Dominguez	Eken	Garofalo

Gottwalt	Hosch	Lesch	Morrow	Ruth	Solberg
Greiling	Howes	Liebling	Mullery	Ruud	Swails
Gunther	Huntley	Lieder	Murphy, E.	Sailer	Thao
Hackbarth	Jaros	Lillie	Murphy, M.	Scalze	Thissen
Hansen	Johnson	Loeffler	Nelson	Seifert	Tillberry
Hausman	Juhnke	Madore	Norton	Sertich	Wagenius
Hilstrom	Kahn	Mahoney	Otremba	Severson	Walker
Hilty	Kalin	Mariani	Paymar	Shimanski	Welti
Holberg	Knuth	Masin	Peppin	Simon	Winkler
Hoppe	Koenen	McNamara	Peterson, A.	Slawik	Wollschlager
Hornstein	Laine	Moe	Peterson, N.	Slocum	Zellers
Hortman	Lenczewski	Morgan	Poppe	Smith	Spk. Kelliher

The motion did not prevail.

The question recurred on the Murphy, M., motion that the report of the Conference Committee on H. F. No. 3082 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3082, A bill for an act relating to retirement; various retirement plans; adding two employment positions to the correctional state employees retirement plan; including certain departments of the Rice Memorial Hospital in Willmar and the Worthington Regional Hospital in privatized public employee retirement coverage; providing for the potential dissolution of the Minnesota Post Retirement Investment Fund; increasing teacher retirement plan reemployed annuitant earnings limitations; temporarily exempting Metropolitan Airports Commission police officers from reemployed annuitant earnings limits; mandating joint and survivor optional annuities rather than single life annuities as basic annuity form; making various changes in retirement plan administrative provisions; clarifying general state employee retirement plan alternative coverage elections by certain unclassified state employees retirement program participants; clarifying direct state aid for the teacher retirement associations; clarifying the handling of unclaimed retirement accounts in the individual retirement account plan; providing for a study of certain Minnesota State Colleges and Universities System tenure track faculty members; modifying the manner in which official actuarial work for public pension plans is performed; allowing pension plans greater latitude in setting salary and payroll assumptions; extending amortization target dates for various retirement plans; making the number and identity of tax-sheltered annuity vendors a mandatory bargaining item for school districts and their employees; allowing a certain firefighter relief association certain benefit increases; providing for certain teacher retirement benefit and contribution increases; allowing security broker-dealers to directly hold local pension plan assets; increasing upmost flexible service pension maximum amounts for volunteer firefighters; creating a voluntary statewide volunteer firefighter retirement plan advisory board within the Public Employees Retirement Association; allowing various retirement plans to accept labor union retired member dues deduction authorizations; authorizing various prior service credit purchases; authorizing certain service credit and coverage transfers; authorizing a disability benefit application to be rescinded; authorizing a retirement coverage termination; providing an additional benefit to certain injured Minneapolis bomb squad officers; allowing certain Independent School District No. 625 school board members to make back defined contribution retirement plan contributions; revising post-2009 additional amortization state aid allocations; modifying PERA-P&F duty disability benefit amounts; authorizing a PERA prior military service credit purchase; revising the administrative duties of the board and the executive director of the Minnesota State Retirement System; increasing pension commission membership; appropriating money; amending Minnesota Statutes 2006, sections 3.85, subdivision 3; 6.67; 11A.18, subdivision 9, by adding subdivisions; 16A.055, subdivision 5; 43A.346, subdivisions 4, 5, 6, 7; 69.011, subdivision 1; 123B.02, subdivision 15; 127A.50, subdivision 1; 352.03, subdivisions 4, 5; 352.12, subdivision 2; 352.22, subdivision 10; 352.931, subdivision 1; 352.97; 352.98, subdivisions 1, 2, 3, 4, 5; 352D.075, subdivision 2a; 353.01, subdivisions 10, 11a, by adding a subdivision; 353.27, by adding a subdivision; 353.30, subdivision 3; 353.33, subdivision 5;

353.64, subdivision 11; 353.656, subdivision 2; 353D.05, subdivision 2; 353D.12, subdivision 4; 353E.07, subdivision 7; 354.05, subdivisions 37, 38; 354.33, subdivision 5; 354.42, subdivisions 2, 3; 354.44, subdivision 5; 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a, 3a; 354A.31, subdivisions 3, 4, 4a, 7; 354B.20, by adding a subdivision; 354B.25, subdivision 5, by adding a subdivision; 354C.165; 356.20, subdivisions 1, 2, 3, 4, 4a; 356.214, subdivisions 1, 3, by adding a subdivision; 356.215, subdivisions 1, 2, 3, 8, 11, 18; 356.24, subdivision 1; 356.315, by adding a subdivision; 356.41; 356.46, as amended; 356.47, subdivision 3; 356.551, subdivision 2; 356.611, subdivision 2, by adding a subdivision; 356A.06, subdivisions 1, 7, 8b; 356B.10, subdivision 3; 363A.36, subdivision 1; 383B.914, subdivision 7; 423A.02, subdivision 1b; 424A.001, subdivision 6, by adding a subdivision; 424A.02, subdivisions 3, 7, 9; 424A.05, subdivision 3; 518.003, subdivision 8; Minnesota Statutes 2007 Supplement, sections 43A.346, subdivisions 1, 2; 352.01, subdivision 2a; 352.017, subdivision 2; 352.91, subdivision 3d; 352.955, subdivisions 3, 5; 352D.02, subdivisions 1, 3; 353.01, subdivision 2b; 353.0161, subdivision 2; 353.27, subdivision 14; 353.32, subdivision 1a; 353.656, subdivision 1; 353.657, subdivision 2a; 353F.02, subdivision 4; 354.096, subdivision 2; 354.44, subdivision 6; 354.72, subdivision 2; 354A.12, subdivision 3c; 354C.12, subdivision 4; 356.96, subdivision 1; 422A.06, subdivision 8; Laws 2002, chapter 392, article 2, section 4; Laws 2006, chapter 271, article 5, section 5; proposing coding for new law in Minnesota Statutes, chapters 11A; 352; 353D; 353F; 354; 354C; 356; 423A; repealing Minnesota Statutes 2006, sections 352.96; 354.44, subdivision 6a; 354.465; 354.51, subdivision 4; 354.55, subdivisions 2, 3, 6, 12, 15; 354A.091, subdivisions 1a, 1b; 354A.12, subdivision 3a; 355.629; 356.214, subdivision 2; 356.215, subdivision 2a; Minnesota Statutes 2007 Supplement, section 354A.12, subdivisions 3b, 3c; Laws 1965, chapter 592, sections 3, as amended; 4, as amended; Laws 1967, chapter 575, sections 2, as amended; 3; 4; Laws 1969, chapter 352, section 1, subdivisions 3, 4, 5, 6; Laws 1969, chapter 526, sections 3; 4; 5, as amended; 7, as amended; Laws 1971, chapter 140, sections 2, as amended; 3, as amended; 4, as amended; 5, as amended; Laws 1971, chapter 214, section 1, subdivisions 1, 2, 3, 4, 5; Laws 1973, chapter 304, section 1, subdivisions 3, 4, 5, 6, 7, 8, 9; Laws 1973, chapter 472, section 1, as amended; Laws 1975, chapter 185, section 1; Laws 1985, chapter 261, section 37, as amended; Laws 1991, chapter 125, section 1; Laws 1993, chapter 244, article 4, section 1; Laws 2005, First Special Session chapter 8, article 1, section 23; Minnesota Rules, parts 7905.0100; 7905.0200; 7905.0300; 7905.0400; 7905.0500; 7905.0600; 7905.0700; 7905.0800; 7905.0900; 7905.1000; 7905.1100; 7905.1200; 7905.1300; 7905.1400; 7905.1500; 7905.1600; 7905.1700; 7905.1800; 7905.1900; 7905.2000; 7905.2100; 7905.2200; 7905.2300; 7905.2400; 7905.2450; 7905.2500; 7905.2560; 7905.2600; 7905.2700; 7905.2800; 7905.2900.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Pursuant to rule 2.05, Speaker pro tempore Juhnke excused Ozment from voting on the repassage of H. F. No. 3082, as amended by Conference.

There were 115 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brynaert	Dill	Faust	Hamilton	Hornstein
Anzelc	Bunn	Dittrich	Fritz	Hansen	Hortman
Atkins	Carlson	Dominguez	Gardner	Hausman	Hosch
Beard	Clark	Doty	Garofalo	Haws	Howes
Benson	Cornish	Drazkowski	Gottwalt	Hilstrom	Huntley
Bigham	Davnie	Eastlund	Greiling	Hilty	Jaros
Bly	DeLaForest	Eken	Gunther	Holberg	Johnson
Brown	Demmer	Erhardt	Hackbarth	Hoppe	Juhnke

Kahn	Madore	Murphy, E.	Poppe	Slawik	Ward
Kalin	Magnus	Murphy, M.	Rukavina	Slocum	Wardlow
Knuth	Mahoney	Nelson	Ruth	Smith	Welti
Koenen	Mariani	Nornes	Ruud	Solberg	Winkler
Laine	Marquart	Norton	Sailer	Swails	Wollschlager
Lanning	Masin	Olin	Scalze	Thao	Zellers
Lenczewski	McFarlane	Otremba	Seifert	Thissen	Spk. Kelliher
Lesch	McNamara	Paulsen	Sertich	Tillberry	
Liebling	Moe	Paymar	Severson	Tingelstad	
Lieder	Morgan	Peppin	Shimanski	Tschumper	
Lillie	Morrow	Peterson, A.	Simon	Wagenius	
Loeffler	Mullery	Peterson, N.	Simpson	Walker	

Those who voted in the negative were:

Abeler	Brod	Dettmer	Finstad	Olson	Westrom
Anderson, S.	Buesgens	Emmer	Heidgerken	Peterson, S.	
Berns	Dean	Erickson	Kohls	Urdahl	

The bill was repassed, as amended by Conference, and its title agreed to.

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Friday, May 16, 2008:

S. F. No. 3003; H. F. No. 2949; and S. F. No. 3780.

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Supplemental Calendar for the Day for Friday, May 16, 2008:

H. F. No. 615.

CALENDAR FOR THE DAY

S. F. No. 3780 was reported to the House.

Thao moved to amend S. F. No. 3780 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3924, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 145.711, is amended by adding a subdivision to read:

Subd. 1a. **Contact lens.** "Contact lens" means any device placed on the anterior surface of the eye for refractive, cosmetic, diagnostic, or therapeutic purposes.

Sec. 2. Minnesota Statutes 2006, section 148.56, is amended to read:

148.56 OPTOMETRISTS.

Subdivision 1. **Optometry defined.** (a) Any person shall be deemed to be practicing optometry within the meaning of sections 148.52 to 148.62 ~~who shall display a sign, such as an eye, a pair of eyes, a pair of glasses or spectacles, or~~ who shall in any way:

(1) advertise as an optometrist; ~~or who shall~~

(2) employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof; ~~or~~

(3) possess testing appliances for the purpose of the measurement of the powers of vision; ~~or~~

(4) diagnose any disease, optical deficiency or deformity, or visual or muscular anomaly of the human eye; ~~or~~

(5) prescribe lenses, prisms, or ocular exercises for the correction or the relief of same; ~~or~~

(6) prescribe or administer legend drugs to aid in the diagnosis, cure, mitigation, prevention, treatment, or management of disease, deficiency, deformity, or abnormality of the human eye and adnexa included in the curricula of accredited schools or colleges of optometry, and as limited by Minnesota statute and rules adopted by the Board of Optometry, or who holds oneself out as being able to do so.

(b) In the course of treatment, nothing in this section shall allow:

(1) legend drugs to be administered intravenously, intramuscularly, or by injection, except for treatment of anaphylaxis;

(2) invasive surgery including, but not limited to, surgery using lasers;

(3) schedule II and III oral legend drugs and oral steroids to be administered or prescribed;

(4) oral antivirals to be prescribed or administered for more than ten days; or

(5) oral carbonic anhydrase inhibitors to be prescribed or administered for more than seven days.

Subd. 2. **Unlawful practices.** It shall be unlawful for any person who is not licensed as an optometrist in this state to:

(1) perform any of the actions contained in subdivision 1;

(2) fit, sell, or dispose of, or to take, receive, or solicit any order for the fitting, sale, or disposition of, any spectacles, eye glasses, or lenses for the correction of vision in any place within the state other than an established place of business ~~wherein such~~ where spectacles, eye glasses, or lenses are commonly sold and dealt in; ~~and it shall be unlawful for any person, not licensed as an optometrist thereunder, to; or~~

(3) sell or dispose of, at retail, any spectacles, eye glasses, or lenses for the correction of vision in any established place of business or elsewhere in this state except under the supervision, direction, and authority of a duly licensed optometrist ~~holding who holds~~ a certificate under sections 148.52 to 148.62, ~~who shall be and is~~ in charge of and in personal attendance at the booth, counter, or place where such articles are sold or disposed of.

Subd. 3. **Unregulated sales.** Nothing in sections 148.52 to 148.62 shall be construed to apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses or to the replacement of duplications of broken lenses, nor to sales upon prescription from persons legally authorized by the laws of this state to examine eyes and prescribe glasses therefor, nor shall it apply to regularly licensed physicians and surgeons. Sections 148.52 to 148.62 also do not apply to the sale of spectacles, used for reading and containing only simple lenses having a plus power of up to and including 3.25, if no attempt is made to test the eyes. The term "simple lenses" does not include bifocals. The seller shall prominently display a sign on the counter or rack or other display device where the spectacles are offered for sale that reads as follows: "If you have experienced a vision loss, the selection of these glasses should not take the place of an eye exam."

Subd. 4. **License required.** It shall be unlawful for any person to engage in the practice of optometry without first procuring ~~and filing for record a certificate of registration as a licensed optometrist pursuant to this section a~~ license from the state Board of Optometry.

Sec. 3. Minnesota Statutes 2006, section 148.57, is amended to read:

148.57 LICENSE.

Subdivision 1. **Examination.** (a) A person not authorized to practice optometry in the state and desiring to do so shall apply to the ~~director of the state Board of Optometry and pay to the board by filling out and swearing to an application for a license granted by the board and accompanied by a fee in an amount set by the board of \$87. The candidate desiring to apply to the board shall complete a form furnished by the board.~~ With the submission of the application form, the candidate shall prove that the candidate:

(1) is of good moral character;

(2) has obtained a clinical doctorate degree from an optometry a board-approved school requiring at least two academic years of preprofessional training for admittance to the school and which has been approved by the board or college of optometry, or is currently enrolled in the final year of study at such a school an institution; and

(3) has passed all parts of an examination.

(b) The examination shall include both a written portion and a clinical practical portion and shall thoroughly test the fitness of the candidate to practice in this state. In regard to the written and clinical practical examinations, the board may:

(1) prepare, administer, and grade the examination itself;

(2) recognize and approve in whole or in part an examination prepared, administered and graded by a national board of examiners in optometry; or

(3) administer a recognized and approved examination prepared and graded by or under the direction of a national board of examiners in optometry.

(c) The board shall issue a license to each applicant who satisfactorily passes the examinations and fulfills the other requirements stated in this section and section 148.575 for board certification for the use of legend drugs. Applicants for initial licensure do not need to apply for or possess a certificate as referred to in sections 148.571 to 148.574. The applicant shall pay to the board a fee as set by the board upon issuance of the license. In the event the candidate fails to pass a part of the examination, upon the payment of an additional fee as set by the board, the candidate may reapply to the Board of Optometry. The fees mentioned in this section are for the use of the board and in no case shall be refunded.

Subd. 2. **Reciprocity Endorsement.** ~~A person~~ An optometrist who holds a ~~certificate of registration, or current license,~~ from another state, and who has practiced in that state not less than three years in that state immediately preceding application, may apply for licensure in Minnesota by filling out and swearing to an application for license by reciprocity form endorsement furnished by the board and ~~by filing that form with the board secretary along with a fee as set by the board at least two weeks prior to the regular meeting at which the board is considering such applications.~~ The completed application with all required documentation shall be filed at the board office along with a fee of \$87. The application fee ~~as set by the board~~ shall be for the use of the board and in no case shall be refunded. To verify that the applicant possesses the knowledge and ability essential to the practice of optometry in this state, the board ~~may for good cause request the applicant to perform a practical demonstration to its satisfaction.~~ applicant must provide evidence of:

(1) having obtained a clinical doctorate degree from a board-approved school or college of optometry;

(2) successful completion of both written and practical examinations for licensure in the applicant's original state of licensure that thoroughly tested the fitness of the applicant to practice;

(3) successful completion of an examination of Minnesota state optometry laws;

(4) compliance with the requirements for board certification in section 148.575;

(5) compliance with all continuing education required for license renewal in every state in which the applicant currently holds an active license to practice; and

(6) being in good standing with every state board from which a license has been issued.

Documentation from a national certification system or program, approved by the board, which supports any of the listed requirements, may be used as evidence. The applicant may then be issued a license if the requirements for ~~registration or licensure in the other state are deemed by the board to be equivalent to those of sections 148.52 to 148.62; provided, that the other state accords like privileges to holders of certificates from the Minnesota board.~~

Subd. 3. **Revocation, suspension.** The board may revoke the license or suspend or restrict the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who violates any provision of sections 148.571 to 148.576 or who is found by the board to be incompetent or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, free examination advertising, the loaning of a license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person.

Subd. 4. **Peddling or canvassing forbidden.** Every licensed optometrist who shall temporarily practice optometry outside or away from the regular registered place of business shall display the license and deliver to each customer or person there fitted or supplied with glasses a receipt or record which shall contain the signature, permanent registered place of business or post office address, and number of license of the optometrist, together with the amount charged therefor, but nothing contained in this section shall be construed as to permit peddling or canvassing by licensed optometrists.

Sec. 4. Minnesota Statutes 2006, section 148.571, is amended to read:

148.571 USE OF TOPICAL OCULAR DRUGS.

Subdivision 1. **Authority.** Subject to the provisions of sections ~~148.57, subdivision 3, and~~ 148.571 to 148.574, licensed optometrists who are currently licensed on August 1, 2007, and are not board certified under section 148.575 may possess a valid topical ocular drug certificate, referred to in sections 148.571 to 148.574, allowing them to administer topical ocular drugs to the anterior segment of the human eye during an eye examination in the course of practice in their normal practice setting, solely for the purposes of determining the refractive, muscular, or functional origin of sources of visual discomfort or difficulty, and detecting abnormalities which may be evidence of disease. Authority granted under sections 148.571 to 148.574 is granted to optometrists who are board certified under section 148.575.

Subd. 2. **Drugs specified.** For purposes of sections ~~148.57, subdivision 3, and~~ 148.571 to 148.574, "topical ocular drugs" means:

(1) commercially prepared topical anesthetics as follows: proparacaine HC1 0.5 percent, tetracaine HC1 0.5 percent, and benoxinate HC1 0.4 percent;

(2) commercially prepared mydriatics as follows: phenylephrine HC1 in strength not greater than 2.5 percent and hydroxyamphetamine HBr in strength not greater than 1 percent; and

(3) commercially prepared cycloplegics/mydriatics as follows: tropicamide in strength not greater than 1 percent and cyclopentolate in strength not greater than 1 percent.

Sec. 5. Minnesota Statutes 2006, section 148.573, subdivision 1, is amended to read:

Subdivision 1. **Certificate required.** A licensed optometrist shall not purchase, possess, or administer any topical ocular drugs unless, ~~after August 1, 1982,~~ the optometrist has obtained a topical ocular drug certificate from the Board of Optometry certifying that the optometrist has complied with the ~~following requirements: in paragraphs (a) and (b).~~

(a) Successful completion of 60 classroom hours of study in general and clinical pharmacology as it relates to the practice of optometry, with particular emphasis on the use of topical ocular drugs for examination purposes. At least 30 of the 60 classroom hours shall be in ocular pharmacology and shall emphasize the systemic effects of and reactions to topical ocular drugs, including the emergency management and referral of any adverse reactions that may occur. The course of study shall be approved by the Board of Optometry, and shall be offered by an institution which is accredited by a regional or professional accreditation organization recognized or approved by the Council on Postsecondary Education or the United States Department of Education or their successors. The course shall be completed prior to entering the examination required by this section.

(b) Successful completion of an examination approved by the Board of Optometry on the subject of general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular drugs, including emergency management and referral of any adverse reactions that may occur.

~~(c) Successful completion, after August 1, 1982, of a course in cardiopulmonary resuscitation offered or approved by the Red Cross, American Heart Association, an accredited hospital, or a comparable organization or institution; and~~

~~(d) Establishment, after August 1, 1982, of an emergency plan for the management and referral to appropriate medical services of patients who may experience adverse drug reactions resulting from the application of topical ocular drugs. The plan must be approved by the Board of Optometry and shall, at least, require the optometrist to:~~

~~(1) Refer patients who notify the optometrist of an adverse drug reaction to appropriate medical specialists or facilities;~~

~~(2) Routinely advise the patient to immediately contact the optometrist if the patient experiences an adverse reaction;~~

~~(3) Place in the patient's permanent record information describing any adverse drug reaction experienced by the patient, and the date and time that any referral was made; and~~

~~(4) Include in the plan the names of at least three physicians, physician clinics, or hospitals to whom the optometrist will refer patients who experience an adverse drug reaction. At least one of these physicians shall be skilled in the diagnosis and treatment of diseases of the eye.~~

Sec. 6. Minnesota Statutes 2006, section 148.574, is amended to read:

148.574 PROHIBITIONS RELATING TO LEGEND DRUGS; AUTHORIZING SALES BY PHARMACISTS UNDER CERTAIN CONDITIONS.

An optometrist shall not purchase, possess, administer, prescribe or give any legend drug as defined in section 151.01 or 152.02 to any person except as is expressly authorized by sections 148.571 to 148.577. Nothing in chapter 151 shall prevent a pharmacist from selling topical ocular drugs to an optometrist authorized to use such drugs according to sections 148.571 to 148.577. Notwithstanding sections 151.37 and 152.12, an optometrist is prohibited from dispensing legend drugs at retail, unless the legend drug is within the scope designated in section 148.576, subdivision 1, and is administered to the eye through a contact lens that is intended to correct vision.

Sec. 7. Minnesota Statutes 2006, section 148.575, is amended to read:

148.575 CERTIFICATE REQUIRED FOR USE OF TOPICAL LEGEND DRUGS.

Subdivision 1. **Certificate required for use of legend drugs.** A licensed optometrist must be board certified to use legend drugs for therapy under section 148.576.

Subd. 2. **Board certified defined.** "Board certified" means that a licensed optometrist has been issued a certificate by the Board of Optometry certifying that the optometrist has complied with the following requirements for the use of legend drugs described in section 148.576:

(1) successful completion of at least 60 hours of study in general and ocular pharmacology emphasizing drugs used for examination or treatment purposes, their systemic effects and management or referral of adverse reactions;

(2) successful completion of at least 100 hours of study in the examination, diagnosis, and treatment of conditions of the human eye with legend drugs;

(3) successful completion of two years of supervised clinical experience in differential diagnosis of eye disease or disorders as part of optometric training or one year of that experience and ten years of actual clinical experience as a licensed optometrist; and

(4) successful completion of a nationally standardized examination approved or administered by the board on the subject of treatment and management of ocular disease ~~prepared, administered, and graded by the International Association of Boards of Examiners in Optometry or an equivalent national board examination.~~

Subd. 3. **Display of certificate required.** A certificate issued under this section to a licensed optometrist by the Board of Optometry supersedes any previously issued certificate limited to topical ocular drugs described in sections 148.571 to 148.574 and must be displayed in a prominent place in the licensed optometrist's office.

Subd. 4. **Accreditation of courses.** The Board of Optometry may approve courses of study in general or ocular pharmacology and examination, diagnosis, and treatment of conditions of the human eye only if they are taught by an institution that meets the following criteria:

(1) the institution has facilities for both didactic and clinical instruction in pharmacology and ocular disease treatment;

(2) the institution certifies to the Board of Optometry that the course of instruction is comparable in content to courses of instruction required by other health-related licensing boards whose license holders or registrants are permitted to administer pharmaceutical agents in their professional practice for either diagnostic or therapeutic purposes or both; and

(3) the institution is accredited by a regional or professional accrediting organization recognized by the ~~Council on Postsecondary Accreditation or the United States Department of Education,~~ Council for Higher Education Accreditation or their successors its successor agency.

Subd. 5. **Notice to Board of Pharmacy.** The Board of Optometry shall notify the Board of Pharmacy of each licensed optometrist who meets the certification requirements in this section.

Subd. 6. **Board certification required.** Optometrists who were licensed in this state prior to August 1, 2007, must have met the board certification requirements under this section by August 1, 2012, in order to renew their license.

Sec. 8. **REPEALER.**

(a) Minnesota Rules, part 6500.2100, is repealed.

(b) Minnesota Statutes 2006, section 148.573, subdivisions 2 and 3, are repealed."

Delete the title and insert:

"A bill for an act relating to occupations and professions; changing provisions related to the practice of optometry; allowing optometrists to dispense a legend drug at retail under certain conditions; amending Minnesota Statutes 2006, sections 145.711, by adding a subdivision; 148.56; 148.57; 148.571; 148.573, subdivision 1; 148.574; 148.575; repealing Minnesota Statutes 2006, section 148.573, subdivisions 2, 3; Minnesota Rules, part 6500.2100."

The motion prevailed and the amendment was adopted.

S. F. No. 3780, A bill for an act relating to occupations and professions; allowing optometrists to dispense a legend drug at retail under certain conditions; amending Minnesota Statutes 2006, sections 145.711, by adding a subdivision; 148.574.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Lieder	Ozment	Smith
Anderson, S.	Dittrich	Hilty	Lillie	Paulsen	Solberg
Anzelc	Dominguez	Hoppe	Loeffler	Paymar	Swails
Atkins	Doty	Hornstein	Madore	Peppin	Thao
Beard	Eastlund	Hortman	Magnus	Peterson, A.	Thissen
Benson	Eken	Hosch	Mahoney	Peterson, N.	Tillberry
Berns	Erhardt	Howes	Mariani	Peterson, S.	Tingelstad
Bigham	Erickson	Huntley	Marquart	Poppe	Tschumper
Bly	Faust	Jaros	Masin	Rukavina	Urdahl
Brod	Fritz	Johnson	McFarlane	Ruth	Wagenius
Brown	Gardner	Juhnke	McNamara	Ruud	Walker
Brynaert	Garofalo	Kahn	Moe	Sailer	Ward
Bunn	Gottwalt	Kalin	Morgan	Scalze	Wardlow
Carlson	Greiling	Knuth	Morrow	Seifert	Welti
Clark	Gunther	Koenen	Mullery	Sertich	Westrom
Cornish	Hackbarth	Kohls	Murphy, E.	Severson	Winkler
Davnie	Hamilton	Laine	Murphy, M.	Shimanski	Wollschlager
Dean	Hansen	Lanning	Nelson	Simon	Spk. Kelliher
DeLaForest	Hausman	Lenczewski	Nornes	Simpson	
Demmer	Haws	Lesch	Olin	Slawik	
Dettmer	Heidgerken	Liebling	Otremba	Slocum	

Those who voted in the negative were:

Anderson, B.	Drazkowski	Finstad	Olson
Buesgens	Emmer	Norton	

The bill was passed, as amended, and its title agreed to.

H. F. No. 3301 was reported to the House.

Kalin moved to amend H. F. No. 3301, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 161.3412, subdivision 3, is amended to read:

Subd. 3. **Restriction; reports.** (a) The number of design-build contracts awarded by the commissioner in any fiscal year may not exceed ten percent of the total number of transportation construction contracts awarded by the commissioner in the previous fiscal year.

(b) The commissioner shall notify the chairs of the senate and house of representatives committees with jurisdiction over transportation policy and transportation finance each time the commissioner decides to use the design-build method of procurement ~~and~~. The notification must explain why that method was chosen, and provide the initial cost estimate, the expected date of release for the RFP, and the expected stipulated fee.

(c) The commissioner shall notify the chairs of the senate and house of representatives committees with jurisdiction over transportation policy and transportation finance within three days of any change to the cost estimate or to the stipulated fee of a design-build project.

Sec. 2. Minnesota Statutes 2006, section 161.3420, subdivision 2, is amended to read:

Subd. 2. **Technical Review Committee.** During the phase-one request for qualifications (RFQ) and before solicitation, the commissioner shall appoint a Technical Review Committee of at least five individuals. The Technical Review Committee must include an individual whose name and qualifications are submitted to the commissioner by the Minnesota chapter of the Associated General Contractors, after consultation with other commercial contractor associations in the state. Members of the Technical Review Committee who are not state employees are subject to the Minnesota Government Data Practices Act and section 16C.06 to the same extent that state agencies are subject to those provisions. The commissioner shall pay reasonable compensation to Technical Review Committee members who are not public employees for their services. A minimum of one state employee on the Technical Review Committee must be at the level of senior administrative engineer or above. A Technical Review Committee member may not participate in the review or discussion of responses to an RFQ or request for proposals (RFP) when the member has a financial interest in any of the design-build firms that respond to that RFQ or RFP. "Financial interest" includes, but is not limited to, being or serving as an owner, employee, partner, limited liability partner, shareholder, joint venturer, family member, officer, or director of a design-build firm responding to an RFQ or RFP for a specific project, or having any other economic interest in that design-build firm. The members of the Technical Review Committee must be treated as state employees in the event of litigation resulting from any action arising out of their service on the committee.

Sec. 3. Minnesota Statutes 2006, section 161.3420, subdivision 3, is amended to read:

Subd. 3. **Contents.** The commissioner shall prepare or have prepared an RFQ. The RFQ must include the following:

- (1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;
- (2) a scope of work statement and schedule;
- (3) documents defining the project requirements;
- (4) the form of contract to be awarded;
- (5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;
- (6) a description of the request for proposals (RFP) requirements;
- (7) the maximum time allowed for design and construction;
- (8) the commissioner's estimated cost of design and construction;

(9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build transportation projects or similar projects, provided that these requirements may not unduly restrict competition; and

(10) a statement that "past performance," ~~or "experience,"~~ or other criteria used in the RFQ evaluation process does not include the exercise or assertion of a person's legal rights.

Sec. 4. Minnesota Statutes 2006, section 161.3420, subdivision 4, is amended to read:

Subd. 4. **Evaluation.** The ~~selection team~~ Technical Review Committee shall evaluate the design-build qualifications of responding firms and shall compile a short list of no more than five most highly qualified firms in accordance with qualifications criteria described in the request for qualifications (RFQ). If only one design-build firm responds to the RFQ or remains on the short list, the commissioner may readvertise or cancel the project as the commissioner deems necessary.

Sec. 5. Minnesota Statutes 2006, section 161.3426, subdivision 1, is amended to read:

Subdivision 1. **Award; computation; announcement.** ~~Except as provided in subdivision 2,~~ A design-build contract shall be awarded as follows:

(a) The Technical Review Committee shall score the technical proposals using the selection criteria in the request for proposals (RFP). The Technical Review Committee shall then submit a technical proposal score for each design-builder to the commissioner. The Technical Review Committee shall reject any proposal it deems nonresponsive.

(b) The commissioner shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the Technical Review Committee has given to it to obtain an adjusted score. The design-builder selected must be that responsive and responsible design-builder whose adjusted score is the lowest.

(c) If a time factor is included with the selection criteria in the RFP package, the commissioner may also adjust the bids using a value of the time factor established by the commissioner. The value of the time factor must be expressed as a value per day. The adjustment must be based on the total time value. The total time value is the design-builder's total number of days to complete the project multiplied by the factor. The time-adjusted price is the total time value plus the bid amount. This adjustment must be used for selection purposes only, and must not affect the Department of Transportation's liquidated damages schedule or incentive or disincentive program. An adjusted score must then be obtained by dividing each design-builder's time-adjusted price by the score given by the technical review team. The commissioner shall select the responsive and responsible design-builder whose adjusted score is the lowest.

(d) Unless all proposals are rejected, the commissioner shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The commissioner shall reserve the right to reject all proposals.

(e) The commissioner shall not limit the ability of design-builders that have submitted proposals to protest a contemplated or actual award by the commissioner by, among other things, unreasonably restricting the time to protest, restricting the right to seek judicial review of the commissioner's actions, attempting to change the judicial standard of review, or attempting to shift the commissioner's costs or damages from a protest to a protestor. Unless all design-builders that have submitted proposals agree to execution of a contract for the project without a waiting period beforehand, the commissioner shall wait at least seven days after both the award of the project and public disclosure of the Technical Review Committee's scoring data and the successful proposal before executing a contract for the project.

Sec. 6. Minnesota Statutes 2006, section 161.3426, subdivision 3, is amended to read:

Subd. 3. **Stipulated fee.** The commissioner shall award a stipulated fee not less than two-tenths of one percent of the department's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. Any increases to the stipulated fee must be made only by the commissioner and the reasons for those changes must be publicly announced at the time of the change. If the commissioner does not award a contract, all short-listed proposers must receive the stipulated fee. If the commissioner cancels the contract before reviewing the technical proposals, the commissioner shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the commissioner's estimated cost of design and construction. The commissioner shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract without conditions other than those stated in this subdivision. In consideration for paying the stipulated fee, the commissioner may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the commissioner may not use ideas and information contained in that proposer's proposal. Upon the request of the commissioner, a proposer who waived a stipulated fee may withdraw the waiver, in which case the commissioner shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

Sec. 7. **REPEALER.**

Minnesota Statutes 2006, section 161.3426, subdivision 2, is repealed."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Magnus moved to amend H. F. No. 3301, the second engrossment, as amended, as follows:

Page 4, after line 28, insert:

"Sec. 7. **REPORT ON DESIGN-BUILD CHANGE IMPACTS.**

The commissioner of transportation shall submit a report by February 15, 2010, to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance and policy, on the impacts of design-build changes. The report must include, but is not limited to, an analysis of financial savings or costs to the state due to design-build changes under this act; a summary of use and effectiveness of the design-build process, including identification of concerns raised with the process; and, any recommendations for legislative changes."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Gottwalt offered an amendment to H. F. No. 3301, the second engrossment, as amended.

POINT OF ORDER

Kalin raised a point of order pursuant to rule 3.21 that the Gottwalt amendment was not in order. Speaker pro tempore Juhnke ruled the point of order well taken and the Gottwalt amendment out of order.

Thissen was excused between the hours of 3:05 p.m. and 8:55 p.m.

H. F. No. 3301, A bill for an act relating to transportation; modifying provisions relating to design-build projects; requiring a report; amending Minnesota Statutes 2006, sections 161.3412, subdivision 3; 161.3420, subdivisions 2, 3, 4; 161.3426, subdivisions 1, 3; repealing Minnesota Statutes 2006, section 161.3426, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 94 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anzelc	Doty	Hornstein	Lieder	Olin	Slocum
Atkins	Eken	Hortman	Lillie	Otremba	Smith
Benson	Erhardt	Hosch	Loeffler	Ozment	Thao
Bigham	Faust	Howes	Madore	Paulsen	Tillberry
Bly	Fritz	Huntley	Mahoney	Peppin	Tschumper
Brod	Gardner	Jaros	Mariani	Peterson, A.	Urdahl
Brown	Garofalo	Johnson	Marquart	Peterson, N.	Wagenius
Brynaert	Greiling	Juhnke	Masin	Peterson, S.	Walker
Bunn	Gunther	Kahn	Moe	Poppe	Ward
Carlson	Hackbarth	Kalin	Morgan	Rukavina	Welti
Clark	Hansen	Knuth	Morrow	Ruud	Westrom
Cornish	Hausman	Koenen	Mullery	Sailer	Winkler
Davnie	Haws	Laine	Murphy, E.	Scalze	Wollschlager
Dill	Heidgerken	Lenczewski	Murphy, M.	Sertich	Spk. Kelliher
Dittrich	Hilstrom	Lesch	Nelson	Simon	
Dominguez	Hilty	Liebling	Norton	Slawik	

Those who voted in the negative were:

Abeler	Dean	Emmer	Hoppe	Nornes	Shimanski
Anderson, B.	DeLaForest	Erickson	Kohls	Olson	Simpson
Anderson, S.	Demmer	Finstad	Lanning	Paymar	Solberg
Bead	Dettmer	Gottwalt	Magnus	Ruth	Tingelstad
Berns	Draskowski	Hamilton	McFarlane	Seifert	Wardlow
Buesgens	Eastlund	Holberg	McNamara	Severson	Zellers

The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Reports of Standing Committees and Divisions.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

S. F. No. 2492, A bill for an act relating to state government; appropriating money for environment and natural resources; providing for repayment of certain appropriations from the environment and natural resources trust fund; amending Minnesota Statutes 2006, section 116P.10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **MINNESOTA RESOURCES APPROPRIATION.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2008, are effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2008</u>	<u>2009</u>
Sec. 2. <u>MINNESOTA RESOURCES.</u>		
Subdivision 1. <u>Total Appropriation</u>	<u>\$86,000</u>	<u>\$22,866,000</u>
<u>Appropriations by Fund</u>		
	<u>2008</u>	<u>2009</u>
<u>Environment and Natural Resources Trust</u>	<u>-0-</u>	<u>22,866,000</u>
<u>Great Lakes Protection Account</u>	<u>86,000</u>	<u>-0-</u>

Appropriations are available for two years beginning July 1, 2008, unless otherwise stated in the appropriation. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

Subd. 2. Definitions

(a) "Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

(b) "Great Lakes protection account" means the account referred to in Minnesota Statutes, section 116Q.02.

Subd. 3. Land and Habitat

-0-

15,817,000

Appropriations by Fund

Trust Fund -0- 15,817,000

(a) Metro Conservation Corridors (MeCC) - Phase IV

\$3,150,000 is from the trust fund to the commissioner of natural resources for the fourth appropriation for acceleration of agency programs and cooperative agreements. Of this appropriation, \$1,915,000 is for Department of Natural Resources agency programs and \$1,235,000 is for agreements as follows: \$475,000 with the Trust for Public Land; \$92,000 with Friends of the Mississippi River; \$111,000 with Great River Greening; \$225,000 with Minnesota Land Trust; \$225,000 with Minnesota Valley National Wildlife Refuge Trust, Inc.; and \$107,000 with Friends of the Minnesota Valley for the purposes of planning, restoring, and protecting important natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through grants, contracted services, conservation easements, and fee title acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work program. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

(b) Vermillion River Corridor Acquisition and Restoration in Dakota County

\$400,000 is from the trust fund to the commissioner of natural resources for an agreement with Dakota County to develop and implement a comprehensive and integrated water quality, wildlife habitat, and outdoor recreational corridor plan in the Vermillion River watershed through easement and fee title acquisition and restoration. At least 90 percent of this appropriation must be spent on the implementation of the comprehensive plan. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. On January 2, 2009, the unobligated balance of the appropriation for Dakota County wildlife habitat acquisition and development in Laws 1999, chapter 231, section 16, subdivision 13, paragraph (m), is transferred and added to this appropriation.

(c) Minnesota Habitat Conservation Partnership - Phase V

\$3,150,000 is from the trust fund for the fifth appropriation for acceleration of agency programs and cooperative agreements. Of this appropriation, \$250,000 is to the Board of Water and Soil Resources; \$733,500 is to the commissioner of natural resources for agency programs; and \$2,166,500 is for agreements as follows: \$420,000 with Pheasants Forever; \$30,000 with Minnesota Deer Hunters Association; \$597,500 with Ducks Unlimited, Inc.; \$85,000 with National Wild Turkey Federation; \$317,000 with the Nature Conservancy; \$210,000 with Minnesota Land Trust; \$350,000 with the Trust for Public Land; \$50,000 with Minnesota Valley National Wildlife Refuge Trust, Inc.; \$30,000 with U.S. Fish and Wildlife Service; \$30,000 with the Leech Lake Band of Chippewa; \$27,000 with the Fond du Lac Band of Chippewa; and \$20,000 with Friends of Detroit Lakes Watershed Management District to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. The USDA-Natural Resources Conservation Service is a cooperating partner in the appropriation. Expenditures are limited to the project corridor areas as defined in the work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum habitat and facility management standards as determined by the commissioner of

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

natural resources. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement.

(d) Preserving the Avon Hills Landscape

\$337,000 is from the trust fund to the commissioner of natural resources for a grant to Saint John's Arboretum and University for community outreach, in cooperation with the Minnesota Land Trust; conservation easements, in cooperation with the Minnesota Land Trust; and local ordinance reviews and recommendations for the Avon Hills landscape in Stearns County. A list of proposed fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and appropriate funding for monitoring. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Minnesota River Valley Green Corridor Land Protection

\$1,000,000 is from the trust fund to the commissioner of natural resources for an agreement with the Southwest Initiative Foundation for planning, acquisition, and easements in the Minnesota River Valley. The priority for acquisition must be on lands with native prairies, unique geological features, fens, and wetlands not currently under a permanent protection program. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement. No more than ten percent may be spent on planning and management.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

(f) Scientific and Natural Area Acquisition

\$1,000,000 is from the trust fund to the commissioner of natural resources for acquisition of scientific and natural areas in the southern two-thirds of Minnesota. A list of proposed acquisitions must be provided as part of the required work program.

(g) State Land Acquisition Consolidation

\$500,000 is from the trust fund to the commissioner of natural resources to consolidate state land ownership through acquisition and sale to reduce forest fragmentation and enhance management efficiency. A list of proposed fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement. Minnesota Statutes, sections 94.16 and 94.165, apply to the proceeds from the sale of land. For this appropriation, the Department of Natural Resources must establish a separate revolving account under Minnesota Statutes, section 94.165, for the use and accounting of trust fund money. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(h) State Park and Trail Land Acquisition

\$1,500,000 is from the trust fund to the commissioner of natural resources to acquire land for designated state trail alignments and in-holdings for state parks. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. A list of proposed acquisitions must be provided as part of the required work program.

(i) Metropolitan Regional Park System Land Acquisition

\$1,500,000 is from the trust fund to the Metropolitan Council for subgrants for the acquisition of lands within the approved park unit boundaries of the metropolitan regional park system. This appropriation may not be used for the purchase of residential structures. Subdivision 12 applies to grants awarded in the approved work program. A list of proposed fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and

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enforcing the agreement. This appropriation must be matched by at least 40 percent of nonstate money and must be committed by December 31, 2008, or the appropriation cancels. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Local Initiative Grants - Regional Parks and Natural Areas

\$1,000,000 is from the trust fund to the commissioner of natural resources for a grant to Wright County for land acquisition for a proposed regional park on the Bertram Chain of Lakes in Wright County. If the acquisition for a proposed regional park on the Bertram Chain of Lakes is not completed by June 30, 2010, then the appropriation is available for matching grants to other local governments for acquisition of regional parks and natural and scenic areas as provided in Minnesota Statutes, section 85.019, subdivisions 2, paragraph (b), and 4a. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(k) Conservation Partners/Environmental Partnerships Matching Grant Program

\$150,000 is from the trust fund to the commissioner of natural resources to provide matching grants to local governments and private, nonprofit organizations for projects that enhance fish, wildlife, and native plant habitat, provide related research or surveys, and protect and enhance the state's natural environment.

(l) County Trail System Design

\$175,000 is from the trust fund to the Board of Regents of the University of Minnesota to design recreational trail systems for Lyon, Brown, Redwood, and Renville Counties.

(m) Accelerated Prairie Management, Survey, Acquisition, and Evaluation

\$1,250,000 is from the trust fund to the commissioner of natural resources to provide for a rapid assessment of remaining native prairie, accelerate the Minnesota county biological survey in the prairie region, provide technical assistance to private prairie landowners, accelerate management of public and private prairie

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lands, evaluate and monitor prairie conditions and associated wildlife, and acquire prairie natural areas, prairie bank easements, and buffers. At least \$475,000 of this appropriation must be spent on acquisition. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. All funding for conservation easements must include a long-term stewardship plan and funding for monitoring and enforcing the agreement.

(n) Prairie Ecosystem Restoration

\$80,000 is from the trust fund to the Board of Water and Soil Resources for an agreement with the Martin County Soil and Water Conservation District to collect and propagate local ecotype native plant materials from prairie remnants for establishment on lands with perpetual conservation protection in Martin County. If the Martin County Soil and Water Conservation District sells seeds or plants that were collected or propagated using money from this appropriation, the net proceeds of the sale must be repaid to the trust fund.

(o) Best Practices for Native Prairie Management

\$45,000 is from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Recreation and Park Association to provide information on best practices for native prairie management through field demonstrations, regional workshops, and the Web.

(p) Impacts of Climate Change and CO₂ on Prairie and Forest Production

\$330,000 is from the trust fund to the Board of Regents of the University of Minnesota to accelerate research simulating future changing CO₂, rainfall, and temperature level impacts on biomass production, carbon sequestration, and water quality in prairie and tree species. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(q) Biofuel Production and Wildlife Conservation in Working Prairies

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\$250,000 is from the trust fund to the Board of Regents of the University of Minnesota to research and evaluate methods of managing diverse working prairies for wildlife and renewable bioenergy production. On June 1, 2008, the \$500,000 appropriation for the Phillips biomass community energy system under Laws 2006, chapter 243, section 20, subdivision 3, is transferred and added to this appropriation. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 4. **Water Resources**

86,000

3,480,000

Appropriations by Fund

Trust Fund -0- 3,480,000

Great Lakes Protection

Account 86,000 -0-

(a) Future of Energy and Minnesota Water Resources

\$270,000 is from the trust fund to the Board of Regents of the University of Minnesota to spatially model water demand in Minnesota under differing energy production scenarios and develop a Web-based tool for comparing policy scenarios impacts on water resources in the state.

(b) Accelerating Plans for Integrated Control of the Common Carp

\$550,000 is from the trust fund to the Board of Regents of the University of Minnesota to accelerate research on new approaches to control the invasive common carp. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Testing Pesticides and Degradates in Public Drinking Water

\$368,000 is from the trust fund to the commissioner of agriculture, in cooperation with the commissioner of health, to purchase equipment and supplies to accelerate the sampling of public water supplies for the presence and concentration of pesticides and their degradates for health risk assessments.

APPROPRIATIONS
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(d) Assessment of Riparian Buffers in the Whitewater River Watershed

\$52,000 is from the trust fund to the Board of Water and Soil Resources for an agreement with the Whitewater Joint Powers Board to inventory streams and adjacent land use and survey riparian landowners to assist in the prioritization of restoration efforts to improve water quality, habitat, and future enforcement of riparian buffers in the southeast ten-county region of the Southeast Minnesota Water Resources Board.

(e) Intralake Zoning to Protect Sensitive Lakeshore Areas

\$125,000 is from the trust fund to the commissioner of natural resources for the second appropriation for a cooperative effort with Cass County to identify sensitive shorelines for the highest priority lakes and develop innovative zoning in Cass County to protect water quality and near-shore habitat. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Native Shoreland Buffer Incentives Program

\$225,000 is from the trust fund to the commissioner of natural resources to accelerate the native shoreland buffer incentive program through market research, technical assistance, and competitive grants to local governments for creating and implementing shoreland buffer incentive programs. Grant recipients must have current shoreline management requirements and effective enforcement. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(g) Southeast Minnesota Stream Restoration Projects

\$240,000 is from the trust fund to the commissioner of natural resources for an agreement with Trout Unlimited to accelerate stream bank stabilization projects on at least six miles of streams through restoration, providing technical assistance, and conducting workshops. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

APPROPRIATIONS
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(h) South-Central Minnesota Groundwater Monitoring and County Geologic Atlases

\$1,600,000 is from the trust fund for collection and interpretation of subsurface geological information and acceleration of the county geologic atlas program. \$706,000 of this appropriation is to the Board of Regents of the University of Minnesota for the Geological Survey to begin county geologic atlases in three counties. \$894,000 of this appropriation is to the commissioner of natural resources to investigate the physical and recharge characteristics of the Mt. Simon aquifer. This appropriation represents a continuing effort to complete the county geologic atlases throughout the state. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) Lake Superior Research

\$86,000 is from the Great Lakes protection account to the Board of Regents of the University of Minnesota for the Large Lakes Observatory for research on Lake Superior waters. This appropriation is added to Laws 2006, chapter 243, section 20, subdivision 6, Lake Superior research. This appropriation is effective the day following final enactment and is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Eurasian Water Milfoil Control Research

\$50,000 is from the trust fund to the Board of Regents of the University of Minnesota to accelerate research on new approaches to control Eurasian water milfoil to be tested on Green Lake in Kandiyohi County. Up to \$50,000 in additional funds from nonstate sources may be used for this study. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 5. Natural Resource Information

-0-

2,365,000

Appropriations by Fund

Trust Fund

-0-

2,365,000

APPROPRIATIONS
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2008 **2009**

(a) Updating the National Wetlands Inventory for Minnesota

\$550,000 is from the trust fund to the commissioner of natural resources to begin updating the National Wetlands Inventory through standards development, mapping, training, and imagery acquisition. This is the first phase of an overall effort to update the inventory statewide. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Soil Survey

\$400,000 is from the trust fund to the Board of Water and Soil Resources for soil survey mapping and interpretation efforts in areas of the state, including Crow Wing, Pine, Cook, Lake, and Isanti Counties, and to accelerate the delivery of soils data through the Internet as a Web-based soil survey. The new soil surveys must be done on a cost-share basis with local and federal funds.

(c) Updating Precipitation Intensities for Runoff Estimation and Infrastructure Designs

\$100,000 is from the trust fund to the commissioner of the Pollution Control Agency for a cooperative agreement with the National Oceanic and Atmospheric Administration to partially fund a multistate effort to obtain updated climate change related rainfall frequencies to enhance engineering of storm water conveyance and treatment systems and roads. The acquired data shall be distributed free of charge. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Minnesota Breeding Bird Atlas

\$270,000 is from the trust fund to develop a statewide survey of Minnesota breeding bird distribution and create related publications, including a book and online atlas with distribution maps and breeding status. Of this appropriation, \$169,000 is to the commissioner of natural resources for an agreement with Audubon Minnesota and \$101,000 is to the Board of Regents of the University of Minnesota for the Natural Resources Research Institute. The atlas must be available for downloading on the Internet free of charge.

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2008 **2009**

(e) Restorable Wetlands Inventory

\$245,000 is from the trust fund to the commissioner of natural resources for an agreement with Ducks Unlimited, Inc., to continue the inventory, mapping, and digitizing of drained restorable wetlands in the southwest prairie region of Minnesota. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Wildlife Disease Data Surveillance and Analysis

\$100,000 is from the trust fund to the Board of Regents of the University of Minnesota for the Raptor Center to develop a GIS-based database that catalogs symptoms and conditions observed in injured wildlife.

(g) Conservation Easement Stewardship, Oversight, and Maintenance

\$180,000 is from the trust fund to the Board of Water and Soil Resources to enhance long-term stewardship, oversight, and maintenance of conservation easements held by the board and to update the current easement database. This effort must be done in cooperation with the Department of Natural Resources. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(h) Conservation Easement Stewardship and Enforcement Program Plan

\$520,000 is from the trust fund to the commissioner of natural resources to inventory and digitize the department's conservation easements and prepare a plan for monitoring, stewardship, and enforcement. This effort must be done in cooperation with the Board of Water and Soil Resources. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 6. Environmental Education

-0-

1,099,000

Appropriations by Fund

Trust Fund

-0-

1,099,000

APPROPRIATIONS
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2008 **2009**

(a) Waters of Minnesota Documentary on Watersheds

\$349,000 is from the trust fund to the Board of Regents of the University of Minnesota for the Bell Museum of Natural History to begin the development of an educational documentary television series on the waters of Minnesota designed to promote watershed understanding and citizen action in protecting, restoring, and conserving water resources. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Global Warming - Reducing Carbon Footprint of Minnesota Schools

\$750,000 is from the trust fund to the commissioner of the Pollution Control Agency to provide student-focused grants to high schools, colleges, and universities to identify their carbon footprints and develop and implement innovative plans to reduce carbon emissions. This appropriation is available until June 30, 2011, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 7. Emerging Issues Account

-0-

105,000

\$105,000 is from the trust fund for an emerging issues account as authorized under Minnesota Statutes, section 116P.08, subdivision 4, paragraph (d).

Subd. 8. Availability of Appropriations

Unless otherwise provided, the amounts in this section are available until June 30, 2010, when projects must be completed and final products delivered. For acquisition of real property, the amounts in this section are available until June 30, 2011, if a binding contract is entered into by June 30, 2010, and closed not later than June 30, 2011. The time period for the amounts available in this section may be extended by up to one year through an approved work program. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

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Subd. 9. Leveraged Funds for Real Property Interest Requirement

The work program for every appropriation under this section for acquisition of a real property interest shall identify nonstate leveraged funds and a plan for expenditure of funds to maximize the benefit of the trust fund allocation. Any work program that proposes materially less leverage than the proposal shall be brought to the Legislative-Citizen Commission on Minnesota Resources for review and approval or disapproval. The final report of each project shall identify all leverage obtained. Leveraged funds shall be spent concurrently with trust fund appropriations to the extent possible.

Subd. 10. Data Availability Requirements

Data collected by the projects funded under this section that have value for planning and management of natural resource, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Land Management Information Center to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as an environment and natural resources trust fund project.

Subd. 11. Project Requirements

As a condition of accepting an appropriation in this section, any agency or entity receiving the appropriation must, for any project funded in whole or in part with funds from this appropriation:

(1) comply with Minnesota Statutes, chapter 116P;

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(6) provide documentation to the Legislative-Citizen Commission on Minnesota Resources of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient shall also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state certified or state reviewed appraisal. Appropriate data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13.

Subd. 12. Payment Conditions and Capital Equipment Expenditures

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2008, or the date the work program is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Periodic payment must be made upon receiving documentation that the deliverable items articulated in the approved work program have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal money. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

Subd. 13. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 and 16B.122, requiring the purchase of recycled, repairable, and durable materials; the purchase of uncoated paper stock; and the use of soy-based ink.

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Subd. 14. Energy Conservation and Sustainable Building Guidelines

A recipient to whom an appropriation is made in this section for a capital improvement project shall ensure that the project complies with the applicable energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections 16B.325, 216C.19, and 216C.20, and rules adopted thereunder. The recipient may use the energy planning, advocacy, and State Energy Office units of the Department of Commerce to obtain information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Subd. 15. Accessibility

Structural and nonstructural facilities must meet the design standards in the Americans with Disability Act (ADA) accessibility guidelines.

Subd. 16. Carryforward

(a) The availability of the appropriations for the following projects are extended to June 30, 2009:

(1) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 6, paragraph (h), as extended by Laws 2007, chapter 57, article 1, section 4, subdivision 6, Paul Bunyan State Trail connection; and

(2) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 7, paragraph (j), improving impaired watersheds conservation drainage research.

(b) The availability of the appropriations for the following projects are extended to June 30, 2010:

(1) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 6, paragraph (e), metropolitan regional parks acquisition, rehabilitation, and development;

(2) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 6, paragraph (p), land acquisition, Minnesota Landscape Arboretum;

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(3) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 7, paragraph (i), improving water quality on the central sands; and

(4) Laws 2003, chapter 128, article 1, section 9, subdivision 6, paragraph (l), as amended by Laws 2005, First Special Session chapter 1, article 2, section 150, as extended by Laws 2006, chapter 243, section 16, land acquisition, Minnesota Landscape Arboretum.

Sec. 3. Minnesota Statutes 2006, section 116P.10, is amended to read:

116P.10 ROYALTIES, COPYRIGHTS, PATENTS, AND SALE OF PRODUCTS AND ASSETS.

(a) This section applies to projects supported by the trust fund and the oil overcharge money referred to in section 4.071, subdivision 2, each of which is referred to in this section as a "fund."

(b) The fund owns and shall take title to the percentage of a royalty, copyright, or patent resulting from a project supported by the fund equal to the percentage of the project's total funding provided by the fund. Cash receipts resulting from a royalty, copyright, or patent, or the sale of the fund's rights to a royalty, copyright, or patent, must be credited immediately to the principal of the fund. Receipts from Minnesota future resources fund projects must be credited to the trust fund. ~~Before a project is included in the budget plan,~~ The commission may ~~vote~~ include in its annual legislative bill a recommendation to relinquish the ownership or rights to a royalty, copyright, or patent resulting from a project supported by the fund to the project's proposer when the amount of the original grant or loan, plus interest, has been repaid to the fund.

(c) If a project supported by the fund results in net income from the sale of products or assets developed or acquired by an appropriation from the fund, the appropriation must be repaid to the fund in an amount equal to the percentage of the project's total funding provided by the fund. The commission may include in its annual legislative bill a recommendation to relinquish the income if a plan is approved for reinvestment of the income in the project or when the amount of the original grant or loan, plus interest, has been repaid to the fund."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3800

A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending

Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

May 15, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3800 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3800 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2006, section 86B.825, subdivision 5, is amended to read:

Subd. 5. **No legal title without certificate.** A person acquiring a watercraft, required to have a certificate of title under this section, through a sale or gift does not acquire a right, title, claim, or interest in the watercraft until the person has been issued a certificate of title to the watercraft or has received a manufacturer's or importer's certificate. A waiver or estoppel does not operate in favor of that person against another person who has obtained possession of the certificate of title or manufacturer's or importer's certificate for the watercraft for valuable consideration.

Sec. 2. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 61. **Mayor William "Bill" Sandberg Memorial Bridge.** The bridge over Margaret Street on marked Trunk Highway 36 in North St. Paul is designated the "Mayor William "Bill" Sandberg Memorial Bridge." The commissioner of transportation shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 3. Minnesota Statutes 2006, section 162.02, is amended by adding a subdivision to read:

Subd. 3b. **Insurance standards.** When reviewing data and information for the development of safety improvements for trunk highways and state-aid projects, the commissioner of transportation may consider, among other things, the Insurance Institute for Highway Safety's findings in addition to standards contained in Department of Transportation manuals, American Association of State Highway and Transportation Officials manual on design of highways and streets, and other applicable federal publications.

Sec. 4. Minnesota Statutes 2006, section 163.051, subdivision 1, is amended to read:

Subdivision 1. **Tax authorized.** (a) Except as provided in paragraph (b), the board of commissioners of each metropolitan county is authorized to levy a wheelage tax of \$5 for the year 1972 and each subsequent year thereafter by resolution on each motor vehicle, except motorcycles as defined in section 169.01, subdivision 4, which that is kept in such county when not in operation and which that is subject to annual registration and taxation under chapter 168. The board may provide by resolution for collection of the wheelage tax by county officials or it may request that the tax be collected by the state registrar of motor vehicles, and the state registrar of motor vehicles shall collect such tax on behalf of the county if requested, as provided in subdivision 2.

(b) The following vehicles are exempt from the wheelage tax:

(1) motorcycles, as defined in section 169.01, subdivision 4;

(2) motorized bicycles, as defined in section 169.01, subdivision 4a;

(3) electric-assisted bicycles, as defined in section 169.01, subdivision 4b; and

(4) motorized foot scooters, as defined in section 169.01, subdivision 4c.

Sec. 5. Minnesota Statutes 2006, section 168.011, subdivision 7, is amended to read:

Subd. 7. **Passenger automobile.** (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 individuals, including the driver.

(b) "Passenger automobile" does not include motorcycles, motor scooters, buses, school buses, or commuter vans as defined in section 168.126. Except as provided in paragraph (c), clause (1), a vehicle with a gross vehicle weight rating of 9,000 to 13,000 pounds that is a pickup truck or a van is not a passenger automobile.

(c) "Passenger automobile" includes, but is not limited to:

(1) pickup trucks and vans, including those vans designed to carry passengers, with a manufacturer's nominal rated carrying capacity of one ton, a vehicle that is: (i) a pickup truck or a van; (ii) not used in furtherance of a commercial enterprise; and (iii) not subject to state or federal regulation as a commercial motor vehicle; and

(2) neighborhood electric vehicles, as defined in section 169.01, subdivision 91; and

(3) medium-speed electric vehicles, as defined in section 169.01, subdivision 94.

EFFECTIVE DATE. Paragraph (b) and paragraph (c), clause (1), are effective the day following final enactment and apply to any additional tax for a registration period that starts on or after March 1, 2011.

Sec. 6. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

Subd. 22. **Special mobile equipment.** (a) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, ~~including except vehicles described in paragraph (b).~~ Special mobile equipment includes, but is not limited to: ditch-digging apparatuses, moving dollies, pump hoists and other water well-drilling equipment registered and licensed under chapter 103I, street sweeping vehicles, and other road construction or road maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, aggregate processing and conveying equipment, truck-mounted log loaders, earth moving carryalls, scrapers, power shovels, draglines, self-propelled cranes, and earth moving equipment that are used exclusively for commercial logging, and self-propelled cranes. The term

~~(b) "Special mobile equipment" does not include travel trailers; (1) machinery that has been temporarily or permanently mounted on a commercial motor vehicle chassis that is used only to provide a service and is not able to haul goods for resale; or (2) dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other motor vehicles designed for the transportation of persons or property to which machinery has been attached.~~

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any additional tax for a registration period that starts on or after March 1, 2009.

Sec. 7. Minnesota Statutes 2006, section 168.012, subdivision 1, is amended to read:

Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for charitable, religious, or educational purposes;

(5) vehicles owned by nonprofit charities and used exclusively for disaster response and related activities;

(6) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; and

~~(6)~~ (7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, are not required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the Department of Corrections, must be registered and must display appropriate license number plates, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the Department of Corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the Division of Disease Prevention and Control of the Department of Health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Division of Disease Prevention and Control.

(f) Unmarked vehicles used by staff of the Gambling Control Board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Gambling Control Board.

(g) Each state hospital and institution for persons who are mentally ill and developmentally disabled may have one vehicle without the required identification on the sides of the vehicle. The vehicle must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the hospital administrator. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the state hospital or institution.

(h) Each county social service agency may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. The vehicles must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the agency administrator. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the social service agency.

(i) All other motor vehicles must be registered and display tax-exempt number plates, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, ~~or licensed commercial driving school, or other qualifying organization or entity,~~ plainly displayed on both sides of the vehicle; ~~except that each state hospital and institution for persons who are mentally ill and~~

~~developmentally disabled may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle.~~ This identification must be in a color giving contrast with that of the part of the vehicle on which it is placed and must endure throughout the term of the registration. The identification must not be on a removable plate or placard and must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 8. Minnesota Statutes 2006, section 168.012, is amended by adding a subdivision to read:

Subd. 2c. **Spotter trucks.** Spotter trucks, as defined in section 169.01, subdivision 7a, shall not be taxed as motor vehicles using the public streets and highways, and shall be exempt from the provisions of this chapter.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 9. Minnesota Statutes 2006, section 168.013, is amended by adding a subdivision to read:

Subd. 11. **Concrete pumps and street-sweeping vehicles.** The tax on vehicle-mounted concrete pumps and street-sweeping vehicles that are not registered under section 168.187 is 15 percent of the Minnesota base rate schedule. Vehicles registered under this subdivision must display plates from a distinctive series.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any additional tax for a registration period that starts on or after March 1, 2009.

Sec. 10. Minnesota Statutes 2006, section 168.021, subdivision 1, is amended to read:

Subdivision 1. **Disability plates; application.** (a) When a motor vehicle registered under section 168.017, a motorcycle, a truck having a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or a self-propelled recreational vehicle is owned or primarily operated by a permanently physically disabled person or a custodial parent or guardian of a permanently physically disabled minor, the owner may apply for and secure from the commissioner (1) immediately, a temporary permit valid for 30 days if the applicant is eligible for the disability plates issued under this section and (2) two disability plates with attached emblems, one plate to be attached to the front, and one to the rear of the motor vehicle.

(b) The commissioner shall not issue more than one set of plates to any owner of a motor vehicle at the same time unless ~~all motor vehicles have been specifically modified for and are used exclusively by a permanently physically disabled person~~ the state council on disability approves the issuance of a second set of plates to a motor vehicle owner.

(c) When the owner first applies for the disability plates, the owner must submit a medical statement in a format approved by the commissioner under section 169.345, or proof of physical disability provided for in that section.

(d) No medical statement or proof of disability is required when an owner of a motor vehicle applies for plates for one or more motor vehicles that are specially modified for and used exclusively by permanently physically disabled persons.

(e) The owner of a motor vehicle may apply for and secure (i) immediately, a permit valid for 30 days, if the applicant is eligible to receive the disability plates issued under this section, and (ii) a set of disability plates for a motor vehicle if:

(1) the owner employs a permanently physically disabled person who would qualify for disability plates under this section; and

(2) the owner furnishes the motor vehicle to the physically disabled person for the exclusive use of that person in the course of employment.

Sec. 11. Minnesota Statutes 2006, section 168.021, subdivision 2, is amended to read:

Subd. 2. **Plate design; furnished by commissioner.** The commissioner shall design and furnish two disability plates with attached emblems to ~~each~~ an eligible owner. The emblem must bear the internationally accepted wheelchair symbol, as designated in section 16B.61, subdivision 5, approximately three inches square. The emblem must be large enough to be visible plainly from a distance of 50 feet. An applicant eligible for disability plates shall pay the motor vehicle registration fee authorized by sections 168.013 and 168.09.

Sec. 12. Minnesota Statutes 2006, section 168.09, subdivision 7, is amended to read:

Subd. 7. **Display of temporary permit; special plates.** (a) A vehicle that displays a ~~special Minnesota~~ special Minnesota plate issued under ~~section 168.021; 168.12, subdivision 2, 2a, 2b, 2c, or 2d; 168.123; 168.124; 168.125; 168.126; 168.128; or 168.129; chapter 168~~ may display a temporary permit in conjunction with expired registration if:

(1) the current registration tax and all other fees and taxes have been paid in full; and

(2) the plate ~~requires replacement under section 168.12, subdivision 1, paragraph (d), clause (3)~~ has been applied for.

(b) A vehicle ~~that is registered under section 168.10~~ may display a temporary permit in conjunction with expired registration, with or without a registration plate, if:

(1) the plates have been applied for ~~and~~;

(2) the registration tax ~~has~~ and other fees and taxes have been paid in full, ~~as provided for in section 168.10~~; and

~~(2)~~ (3) either the vehicle is used solely as a collector vehicle while displaying the temporary permit and not used for general transportation purposes or the vehicle was issued a 21-day permit under section 168.092, subdivision 1.

(c) The permit is valid for a period of 60 days. The permit must be in a format prescribed by the commissioner and whenever practicable must be posted upon the driver's side of the rear window on the inside of the vehicle. The permit is valid only for the vehicle for which it was issued to allow a reasonable time for the new plates to be manufactured and delivered to the applicant. The permit may be issued only by the commissioner or by a deputy registrar under section 168.33.

Sec. 13. **[168.1295] MINNESOTA SESQUICENTENNIAL SPECIAL PLATES.**

Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the commissioner shall issue Minnesota sesquicentennial plates or one motorcycle plate to an applicant who:

(1) is a registered owner of a passenger automobile, one-ton pickup truck, motorcycle, or recreational vehicle;

(2) pays a fee of \$10 for each set of license plates;

(3) contributes a minimum of \$25 to the Minnesota Sesquicentennial Commission; and

(4) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Subd. 2. **Novelty plates.** Notwithstanding subdivision 1, the commissioner may issue distinctive Minnesota Sesquicentennial novelty plates for a fee of \$5 for each plate, and a minimum contribution of \$25 to the Minnesota Sesquicentennial Commission.

Subd. 3. **Design.** After consultation with the Minnesota Sesquicentennial Commission, the commissioner shall design the special plate.

Subd. 4. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under subdivision 1 may be transferred to another passenger automobile, one-ton pickup truck, motorcycle, or recreational vehicle registered to the individual to whom the special plates were issued.

Subd. 5. **Fees.** Fees collected under subdivision 1, clause (2), or under subdivision 2, are credited to the vehicle services operating account in the special revenue fund.

Subd. 6. **Contributions.** Contributions collected under subdivision 1, clause (3), or under subdivision 2, are credited to the sesquicentennial account, which is established in the special revenue fund. Money in the account is appropriated to the Minnesota Sesquicentennial Commission to be used in performance of the commission's powers and duties. After the commission expires, money in the account is appropriated to the Capitol Area Architectural and Planning Board for restoration and renovation of the Capitol Building.

EFFECTIVE DATE. This section is effective the day following final enactment and expires for issuance of plates after June 30, 2011.

Sec. 14. Minnesota Statutes 2006, section 168.185, is amended to read:

168.185 USDOT NUMBERS.

(a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having a gross vehicle weight of more than 10,000 pounds, as defined in section 169.01, subdivision 46, other than a farm truck that is not used in interstate commerce, shall report to the registrar commissioner at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the registrar commissioner. The registrar commissioner shall not assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

(b) Assigned USDOT numbers need not be displayed on the outside of the vehicle, but must be made available upon request of an authorized agent of the registrar commissioner, peace officer, other employees of the State Patrol authorized in chapter 299D, or employees of the Minnesota Department of Transportation. The vehicle owner shall notify the registrar commissioner if there is a change to the owner's USDOT number.

(c) If an owner fails to report or apply for a USDOT number, the registrar commissioner shall suspend the owner's registration.

(d) ~~Until October 1, 2003, paragraphs (a) to (c) do not apply to an agricultural fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer or agricultural chemicals to a farmer for on farm use. This section does not apply to (1) a farm truck that is not used in interstate commerce, (2) a vehicle that is not used in intrastate commerce or interstate commerce, or (3) a vehicle that is owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision.~~

Sec. 15. Minnesota Statutes 2006, section 168.28, is amended to read:

168.28 VEHICLES SUBJECT TO TAX; EXCEPTIONS.

Every motor vehicle (except those exempted in section 168.012, and except those which are being towed upon the streets and highways and which shall not be deemed to be using the streets and highways within the meaning of this section) shall be deemed to be one using the public streets and highways and hence as such subject to taxation under this chapter if such motor vehicle has since April 23, 1921, used such public streets or highways, or shall actually use them, or if it shall come into the possession of an owner other than as a manufacturer, dealer, warehouse operator, mortgagee or pledgee. New and unused motor vehicles in the possession of a dealer solely for the purpose of sale, and used ~~or secondhand~~ motor vehicles which have not theretofore used the public streets or highways of this state which are in the possession of a dealer solely for the purpose of sale and which are duly listed as herein provided, shall not be deemed to be vehicles using the public streets or highways. The driving or operating of a motor vehicle upon the public streets or highways of this state by a motor vehicle dealer or any employee of such motor vehicle dealer for demonstration purposes or for any purpose incident to the usual and customary conduct and operation of the business in which licensed under section 168.27 to engage, or solely for the purpose of moving it from points outside or within the state to the place of business or storage of a licensed dealer within the state or solely for the purpose of moving it from the place of business of a manufacturer, or licensed dealer within the state to the place of business or residence of a purchaser outside the state, shall not be deemed to be using the public streets or highways in the state within the meaning of this chapter or of the Constitution of the state of Minnesota, article XIV, and shall not be held to make the motor vehicle subject to taxation under this chapter as one using the public streets or highways, if during such driving or moving the dealer's plates herein provided for shall be duly displayed upon such vehicle. Any dealer or distributor may register a motor vehicle prior to its assessment or taxation as personal property, and pay the license fee and tax thereon for the full calendar year as one using the public streets and highways, and thereafter such vehicle shall be deemed to be one using the public streets and highways and shall not be subject to assessment or taxation as personal property during the calendar year for which it is so registered, whether or not such vehicle shall actually have used the streets or highways. Special mobile equipment is subject to a penalty equal to the tax due under this chapter for the full registration year if it is used to transport persons or property at any time using the public streets.

Sec. 16. Minnesota Statutes 2006, section 168A.01, subdivision 21, is amended to read:

Subd. 21. **Special mobile equipment.** ~~"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatuses, well boring apparatuses, moving dollies, sawing machines, corn shellers, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include travel trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other vehicles designed for the transportation of persons or property to which machinery has been attached~~ has the meaning given it in section 168.011.

Sec. 17. Minnesota Statutes 2006, section 168A.03, subdivision 1, is amended to read:

Subdivision 1. **No certificate issued.** The registrar shall not issue a certificate of title for:

- (1) a vehicle owned by the United States;
- (2) a vehicle owned by a nonresident and not required by law to be registered in this state;

(3) a vehicle owned by a nonresident and regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(4) a vehicle moved solely by animal power;

(5) an implement of husbandry;

(6) special mobile equipment;

(7) a self-propelled wheelchair or invalid tricycle;

(8) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party holds an interest in the trailer or a certificate of title was previously issued by this state or any other state or (ii) designed primarily for agricultural purposes except a recreational vehicle or a manufactured home, both as defined in section 168.011, subdivisions 8 and 25;

(9) a snowmobile; and

(10) a spotter truck, as defined in section 169.01, subdivision 7a.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 18. Minnesota Statutes 2006, section 168A.05, subdivision 9, is amended to read:

Subd. 9. **Neighborhood electric vehicle and medium-speed electric vehicles; certificate required.** Neighborhood electric vehicles and medium-speed electric vehicles, as defined in section 169.01, ~~subdivision subdivisions 91 and 94~~, must be titled as specified in section 168A.02. The department shall not issue a title for a neighborhood electric vehicle or a medium-speed electric vehicle (1) that lacks a vehicle identification number, and (2) for which a manufacturer's certificate of origin clearly labeling the vehicle as a neighborhood electric vehicle or similar designation has not been issued. The department shall not issue a vehicle identification number to a homemade neighborhood electric or low-speed vehicle or retrofitted golf cart, and such vehicles do not qualify as neighborhood electric vehicles.

Sec. 19. Minnesota Statutes 2006, section 168B.051, subdivision 2, is amended to read:

Subd. 2. **Sale after 45 days or title transfer.** ~~An~~ (a) If an unauthorized vehicle is impounded, other than by the city of Minneapolis or the city of St. Paul, the impounded vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

(1) 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle that was not impounded by the city of Minneapolis or the city of St. Paul; or

(2) the date of a voluntary written title transfer by the registered owner to the impound lot operator.

(b) A voluntary written title transfer constitutes a waiver by the registered owner of any right, title, and interest in the vehicle.

Sec. 20. Minnesota Statutes 2006, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. ~~Contents; Written notice given within five days of impound.~~ (a) When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give written notice of the taking within five days to the registered vehicle owner and any lienholders.

(b) The notice ~~shall~~ must:

(1) set forth the date and place of the taking;

(2) provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;

~~(2)~~ (3) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07, and;

~~(3)~~ (4) state that failure of the owner or lienholders to:

(i) exercise their right to reclaim the vehicle and contents within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, shall be deemed and under the conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to section 168B.08; or

(ii) exercise their right to reclaim the contents of the vehicle within the appropriate time allowed and under the conditions set forth in section 168B.07, subdivision 3, constitutes a waiver by them of all right, title, and interest in the contents and consent to sell or dispose of the contents under section 168B.08; and

(5) state that a vehicle owner who provides to the impound lot operator documentation from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, is eligible for legal aid services, or has a household income at or below 50 percent of state median income has the unencumbered right to retrieve any and all contents without charge.

Sec. 21. Minnesota Statutes 2006, section 168B.06, subdivision 3, is amended to read:

Subd. 3. **Unauthorized vehicle; second notice.** If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice ~~shall~~ must be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Sec. 22. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, general assistance medical care, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, Food Stamps, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator shall establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner who provides documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, is eligible for legal aid services, or has a household income at or below 50 percent of state median income has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

Sec. 23. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 4. **Waiver of rights.** The failure of the registered owner or lienholders to exercise the right to reclaim the vehicle before the expiration of the waiting periods provided under section 168B.051 constitutes a waiver of all right, title, and interest in the vehicle and a consent to the transfer of title to, and disposal or sale of, the vehicle under section 168B.08. The failure of the registered owner to exercise the right provided under subdivision 3 constitutes a waiver of all right, title, and interest in the contents and a consent to the transfer of title to, and disposal or sale of, the contents under section 168B.08.

Sec. 24. Minnesota Statutes 2006, section 168B.08, subdivision 1, is amended to read:

Subdivision 1. **Auction or sale.** (a) ~~If an abandoned or unauthorized vehicle and contents taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 1, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07. If the contents of an abandoned or unauthorized vehicle taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 3, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07.~~

(b) The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check.

Sec. 25. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 7a. **Spotter truck.** "Spotter truck" means a truck-tractor with a manufacturer's certificate of origin "not for on road use" specification, used exclusively for staging or shuttling trailers in the course of a truck freight operation or freight shipping operation.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 26. Minnesota Statutes 2006, section 169.01, subdivision 55, is amended to read:

Subd. 55. **Implement of husbandry.** "Implement of husbandry" ~~has the meaning given in section 168A.01, subdivision 8~~ means a self-propelled or towed vehicle designed or adapted to be used exclusively for timber-harvesting, agricultural, horticultural, or livestock-raising operations.

Sec. 27. Minnesota Statutes 2006, section 169.01, subdivision 76, is amended to read:

Subd. 76. **Hazardous materials.** "Hazardous materials" means ~~those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle~~ any material that has been designated as hazardous under United States Code, title 49, section 5103, and is required to be placarded under Code of Federal Regulations, title 49, ~~parts 100-185~~ part 172, subpart F, or any quantity of a material listed as a select agent or toxin in Code of Federal Regulations, title 42, part 73.

Sec. 28. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 93. **Wireless communications device.** "Wireless communications device" means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and transmitting data, including but not limited to text messages and e-mail, without an access line for service. A wireless communications device does not include a device that is permanently affixed to the vehicle, or a global positioning system or navigation system when the system is used exclusively for navigation purposes.

Sec. 29. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 94. **Medium-speed electric vehicle.** "Medium-speed electric vehicle" means an electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, that can attain a maximum speed of 35 miles per hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase of 40 inches or greater and a wheel diameter of ten inches or greater, and except with respect to maximum speed, otherwise meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Sec. 30. Minnesota Statutes 2006, section 169.18, subdivision 1, is amended to read:

Subdivision 1. **Keep to the right.** Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) when the right half of a roadway is closed to traffic while under construction or repair;

(3) upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;

(4) upon a roadway designated and signposted for one-way traffic as a one-way roadway; ~~or~~

(5) as necessary to comply with subdivision 11 when approaching an authorized emergency vehicle parked or stopped on the roadway; or

(6) as necessary to comply with subdivision 12 when approaching a road maintenance or construction vehicle parked or stopped on the roadway.

Sec. 31. Minnesota Statutes 2006, section 169.18, subdivision 5, is amended to read:

Subd. 5. **Driving left of roadway center; exception.** (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:

(1) when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;

(2) when approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or

(3) where official signs are in place prohibiting passing, or a distinctive centerline is marked, which distinctive line also so prohibits passing, as declared in the Manual on Uniform Traffic Control Devices adopted by the commissioner.

~~(e) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel.~~

~~(d) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that is operated to the left half of the roadway if such operation is not to a greater extent than is necessary to avoid collision with a parked vehicle, sign, or other stationary object located on the highway right of way.~~

Sec. 32. Minnesota Statutes 2006, section 169.18, is amended by adding a subdivision to read:

Subd. 12. **Passing certain parked vehicles.** (a) When approaching and before passing a freeway service patrol, road maintenance, or construction vehicle with its warning lights activated that is parked or otherwise stopped on or next to a street or highway having two lanes in the same direction, the driver of a vehicle shall safely move the vehicle to the lane farthest away from the vehicle, if it is possible to do so.

(b) When approaching and before passing a freeway service patrol, road maintenance, or construction vehicle with its warning lights activated that is parked or otherwise stopped on or next to a street or highway having more than two lanes in the same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full lane vacant between the driver and any lane in which the vehicle is completely or partially parked or otherwise stopped, if it is possible to do so.

Sec. 33. Minnesota Statutes 2006, section 169.21, is amended by adding a subdivision to read:

Subd. 6. **Driver education curriculum.** The class D curriculum, in addition to driver education classroom curriculum prescribed in rules of statutes for class D motor vehicles, must include instruction on the duties of a driver when encountering a bicycle, other nonmotorized vehicles, or a pedestrian.

Sec. 34. Minnesota Statutes 2006, section 169.224, is amended to read:

169.224 NEIGHBORHOOD AND MEDIUM-SPEED ELECTRIC VEHICLES.

Subdivision 1. **Definition.** For purposes of this section, "road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing body of a city, as to city streets.

Subd. 2. **Required equipment.** Notwithstanding any other law, a neighborhood electric vehicle or a medium-speed electric vehicle may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Subd. 3. **Operation.** A neighborhood electric vehicle or a medium-speed electric vehicle may not be operated on a street or highway with a speed limit greater than 35 miles per hour, except to make a direct crossing of that street or highway.

Subd. 4. **Restrictions and prohibitions.** (a) A road authority, including the commissioner of transportation by order, may prohibit or further restrict the operation of neighborhood electric vehicles and medium-speed electric vehicles on any street or highway under the road authority's jurisdiction.

(b) Neither a neighborhood electric vehicle nor a medium-speed electric vehicle may not be used to take any examination to demonstrate ability to exercise control in the operation of a motor vehicle as required under section 171.13.

Sec. 35. **[169.228] SPOTTER TRUCKS.**

Notwithstanding any other law, a spotter truck may be operated on public streets and highways if:

(1) the operator has the appropriate class of driver's license;

(2) the vehicle complies with the size, weight, and load restrictions under this chapter;

(3) the vehicle meets all inspection requirements under section 169.781; and

(4) the vehicle is operated (i) within a zone of two air miles from the truck freight operation or freight shipping operation where the vehicle is housed, or (ii) directly to and from a repair shop, service station, or fueling station for the purpose of repair, servicing, or refueling.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 36. Minnesota Statutes 2006, section 169.435, is amended to read:

169.435 STATE SCHOOL BUS SAFETY ADMINISTRATION~~0~~ OFFICE OF PUPIL TRANSPORTATION SAFETY.

Subdivision 1. **Responsibility; Department of Public Safety.** The Department of Public Safety has the primary responsibility for school transportation safety. The Office of Pupil Transportation Safety is created as a section under the Division of State Patrol. The commissioner or the commissioner's designee shall serve as state designate a director of pupil transportation according to subdivision 3.

Subd. 3. **Pupil transportation safety director.** ~~(a) The commissioner of public safety or the commissioner's designee shall serve as pupil transportation safety director.~~

~~(b)~~ The duties of the pupil transportation safety director ~~shall~~ include:

(1) overseeing all department activities related to school bus safety;

(2) assisting in the development, interpretation, and implementation of laws and policies relating to school bus safety, in consultation with a stakeholder group consisting of, but not limited to, representatives of the school board association, school superintendents, private bus contractors, directors of transportation, school bus employees or their exclusive bargaining representatives, and parent organizations;

(3) supervising preparation of the School Bus Inspection Manual; ~~and~~

(4) in conjunction with the Department of Education and the stakeholder group described in clause (2), assisting school districts in developing and implementing comprehensive transportation policies and establishing best practices for private contracts;

(5) developing and maintaining a consistent record-keeping system to document school bus inspections, out-of-service school transportation vehicles, driver turnover rate, and driver files; and

(6) conducting periodic audits of selected school districts to determine compliance with federal law and state statute concerning: (i) school bus driver requirements and driver employee background and license checks, including controlled substance and alcohol testing requirements; and (ii) duty to report violations to the commissioner of public safety. Audit results must be documented and retained by the Office of Pupil Transportation Safety, and any statutory violations documented in the audit must be reported to the commissioners of public safety and education.

Subd. 4. **Staff.** In addition to the pupil transportation safety director, who must be a state trooper, the Office of Pupil Transportation Safety must be staffed by a minimum of:

(1) three state troopers, each of whom must be assigned to the metropolitan area, northern Minnesota, or southern Minnesota; and

(2) 15 school bus vehicle inspectors, one of whom must be designated chief inspector. The school bus vehicle inspectors shall perform annual and spot inspections of school buses and Head Start buses as required by law.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 37. Minnesota Statutes 2006, section 169.446, subdivision 2, is amended to read:

Subd. 2. **Driver training programs.** The commissioner of public safety shall adopt rules requiring a minimum of 30 minutes of thorough instruction concerning section 169.444 for persons enrolled in driver training programs offered at public, private and parochial schools, and commercial driver training schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

Sec. 38. **[169.475] USE OF WIRELESS COMMUNICATIONS DEVICE.**

Subdivision 1. **Definition.** For purposes of this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, e-mail, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.

Subd. 2. **Prohibition on use.** No person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.

Subd. 3. **Exceptions.** This section does not apply if a wireless communications device is used:

(1) solely in a voice-activated or other hands-free mode;

(2) for making a cellular phone call;

(3) for obtaining emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

(4) in the reasonable belief that a person's life or safety is in immediate danger; or

(5) in an authorized emergency vehicle while in the performance of official duties.

Sec. 39. Minnesota Statutes 2006, section 169.67, subdivision 3, is amended to read:

Subd. 3. **Trailer, semitrailer.** (a) No trailer or semitrailer with a gross vehicle weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the towing vehicle, may be drawn on a highway unless it is equipped with brakes that are adequate to control the movement of and to stop and hold the trailer or semitrailer. A surge brake on a trailer or semitrailer meets the requirement of this paragraph for brakes adequate to stop and hold the trailer or semitrailer.

(b) No trailer or semitrailer ~~that is required to have brakes and that has~~ with a gross vehicle weight of more than ~~6,000~~ 3,000 pounds may be drawn on a highway unless it is equipped with brakes that are so constructed that they are adequate to stop and hold the trailer or semitrailer whenever it becomes detached from the towing vehicle.

(c) Except as provided in paragraph (d), paragraph (a) does not apply to:

~~(1) a trailer used by a farmer while transporting farm products produced on the user's farm, or supplies back to the farm of the trailer's user;~~

~~(2) a towed custom service vehicle drawn by a motor vehicle that is equipped with brakes that meet the standards of subdivision 5, provided that such a towed custom service vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more than 45 miles per hour;~~

~~(3) a trailer or semitrailer operated or used by retail dealers of implements of husbandry while engaged exclusively in the delivery of implements of husbandry;~~

~~(4)~~ (2) a motor vehicle drawn by another motor vehicle that is equipped with brakes that meet the standards of subdivision 5; and

~~(5) a tank trailer of not more than 12,000 pounds gross weight owned by a distributor of liquid fertilizer while engaged exclusively in transporting liquid fertilizer, or gaseous fertilizer under pressure;~~

~~(6) a trailer of not more than 12,000 pounds gross weight owned by a distributor of dry fertilizer while engaged exclusively in the transportation of dry fertilizer; and~~

~~(7)~~ (3) a disabled vehicle while being towed to a place of repair.

(d) Vehicles described in paragraph (c), ~~clauses (1), (3), and (4)~~ clause (2), may be operated without complying with paragraph (a) only if the trailer or semitrailer does not exceed the following gross weights:

(1) 3,000 pounds while being drawn by a vehicle registered as a passenger automobile, other than a pickup truck as defined in section 168.011, subdivision 29;

(2) 12,000 pounds while being drawn by any other motor vehicle ~~except a self-propelled implement of husbandry.~~

Sec. 40. Minnesota Statutes 2006, section 169.781, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle" means:

- (1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); ~~and~~
- (2) each vehicle in a combination of more than 26,000 pounds; and
- (3) a spotter truck.

"Commercial motor vehicle" does not include ~~(4)~~ a school bus or Head Start bus displaying a certificate under section 169.451, ~~(2)~~ a bus operated by the Metropolitan Council or by a local transit commission created in chapter 458A, or ~~(3)~~ a motor vehicle ~~that is~~ required to be placarded under Code of Federal Regulations, title 49, parts 100-185.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the semitrailer "storage only" in letters at least six inches high.

(e) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2013.

Sec. 41. Minnesota Statutes 2006, section 169.781, subdivision 2, is amended to read:

Subd. 2. **Inspection required.** It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota or a spotter truck; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner, or the vehicle carries (1) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and (2) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

EFFECTIVE DATE. This section is effective the day following final enactment and expires on June 30, 2013.

Sec. 42. Minnesota Statutes 2006, section 169.781, subdivision 5, is amended to read:

Subd. 5. **Inspection decal; violation, penalty.** (a) A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b).

(b) Minnesota inspection decals may be affixed only to:

(1) commercial motor vehicles bearing Minnesota-based license plates; or

(2) special mobile equipment, within the meaning of subdivision 2, clause (2).

(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.

(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle.

(e) A person who, with the intent to defraud, falsely makes, duplicates, alters, or forges a decal or other writing or thing purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor. A person who, with the intent to defraud, possesses a decal or other writing or thing falsely purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor.

Sec. 43. Minnesota Statutes 2006, section 169.79, is amended to read:

169.79 VEHICLE REGISTRATION; DISPLAYING LICENSE PLATES.

Subdivision 1. **Registration required.** No person shall operate, drive, or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates or permit confirming that valid registration or operating authority has been obtained, except as provided in sections 168.10 and 168.12, subdivision 2f, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate or permit is not obstructed. A plate issued under section 168.27 or a permit issued under chapter 168 may be displayed on a vehicle in conjunction with expired registration whether or not it displays the license plate to which the last registration was issued.

Subd. 2. **Semitrailer.** If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the ~~certificate of title~~ documentation on file with the department ~~and shall not display a year indicator.~~

Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer registered at greater than 3,000 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one license plate must be displayed horizontally with the identifying numbers and letters facing outward from the vehicle and must be mounted in the upright position on the rear of the vehicle.

Subd. 3a. **Small trailer.** If the vehicle is a trailer with 3,000 pounds or less GVW with lifetime registration, the numbered plate or sticker must be adhered to the side of the trailer frame tongue near the hitch.

Subd. 4. **Collector's vehicle.** If the vehicle is (1) a collector's vehicle with a pioneer, classic car, collector, or street rod license; (2) a vehicle that meets the requirements of a pioneer, classic, or street rod vehicle except that the vehicle is used for general transportation purposes; or (3) a vehicle that is of model year 1972 or earlier, not registered under section 168.10, subdivision 1c, and is used for general transportation purposes, then one plate must be displayed on the rear of the vehicle, or one plate on the front and one on the rear, at the discretion of the owner.

Subd. 5. **Truck-tractor, road-tractor, or farm truck.** If the vehicle is a truck-tractor, road-tractor, or farm truck, as defined in section 168.011, subdivision 17, but excluding from that definition semitrailers and trailers, then one plate must be displayed on the front of the vehicle.

Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle other than those provided for in subdivisions 2 to 4, one plate must be displayed on the front and one on the rear of the vehicle.

Subd. 7. **Plate fastened and visible.** All plates must be (1) securely fastened so as to prevent them from swinging, (2) displayed horizontally with the identifying numbers and letters facing outward from the vehicle, and (3) mounted in the upright position. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering is plainly visible at all times. It is unlawful to cover any assigned letters and numbers or the name of the state of origin of a license plate with any material whatever, including any clear or colorless material that affects the plate's visibility or reflectivity.

Subd. 8. **Plate registration stickers.** As viewed facing the plates:

(a) License plates issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner as viewed facing the of each plate and the year of expiration in the lower right corner as viewed facing the of each plate.

(b) License plates issued to vehicles registered under section 168.127 must display either fleet registration validation stickers in the lower right corner as viewed facing the plates of each plate or distinctive license plates, issued by the registrar, with "FLEET REG" displayed on the bottom center portion of the each plate.

(c) License plates issued after July 1, 2008, requiring validation must display the month of expiration in the lower left corner of each plate and the year of expiration in the lower right corner of the plate.

Subd. 9. **Tax-exempt vehicle marking.** Vehicles displaying tax-exempt plates issued under section 16B.581 or 168.012 must have vehicle markings that comply with section 168.012, subdivision 1.

Sec. 44. Minnesota Statutes 2006, section 169.801, is amended to read:

169.801 IMPLEMENT OF HUSBANDRY.

Subdivision 1. **Exemption from size, weight, load provisions.** Except as provided in this section and section 169.82, the provisions of sections 169.80 to 169.88 that govern size, weight, and load do not apply to:

- ~~(1) a horse drawn wagon while carrying a load of loose straw or hay;~~
- ~~(2) a specialized vehicle resembling a low slung trailer having a short bed or platform, while transporting one or more implements of husbandry; or~~
- ~~(3) an implement of husbandry while being driven or towed at a speed of not more than 30 miles per hour; provided that this exemption applies to an implement of husbandry owned, leased, or under the control of a farmer or implement dealer only while the implement of husbandry is being operated on noninterstate roads or highways within 75 miles of any farmland or implement dealership: (i) owned, leased, or operated by the farmer or implement dealer and (ii) on which the farmer or implement dealer regularly uses or sells or leases the implement of husbandry while operated in compliance with this section.~~

Subd. 2. **Weight per inch of tire width restrictions.** (a) An implement of husbandry that is not self-propelled and is equipped with pneumatic tires may not be operated on a public highway with a maximum wheel load that exceeds ~~600 pounds per inch of tire width before August 1, 1996, and 500 pounds per inch of tire width on and after August 1, 1996.~~

(b) After December 31, 2009, a person operating or towing an implement of husbandry on a bridge must comply with the gross weight limitations provided in section 169.824.

Subd. 3. **Hitches.** A towed implement of husbandry must be equipped with (1) safety chains that meet the requirements of section 169.82, subdivision 3, paragraph (b); (2) a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety; or (3) a hitch pin or other hitching device with a retainer that prevents accidental unhitching.

Subd. 4. **Bridge posting.** Despite subdivision 2, a person operating or towing an implement of husbandry must comply with a sign that limits the maximum weight allowed on a bridge.

Subd. 5. **Height and width.** A person operating, towing, or transporting an implement of husbandry that is higher than 13 feet six inches or wider than allowed under section 169.80, subdivision 2, must ensure that the operation or transportation does not damage a highway structure, utility line or structure, or other fixture adjacent to or over a public highway.

Subd. 6. **Speed.** No person may operate or tow an implement of husbandry at a speed of more than 30 miles per hour.

Subd. 7. **Driving rules.** (a) An implement of husbandry may not be operated or towed on an interstate highway.

(b) An implement of husbandry may be operated or towed to the left of the center of a roadway only if it is escorted at the front by a vehicle displaying hazard warning lights visible in normal sunlight and the operation does not extend into the left half of the roadway more than is necessary.

Subd. 8. **Lights.** An implement of husbandry must be equipped with lights that comply with section 169.55, subdivisions 2 and 3.

Subd. 9. **Slow moving vehicle emblem.** An implement of husbandry must comply with section 169.522.

Subd. 10. **Brakes.** Notwithstanding section 169.67:

(a) A self-propelled implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it and any vehicle it is towing.

(b) A towed implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it if:

(1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured and sold after January 1, 1994;

(2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a vehicle other than a self-propelled implement of husbandry; or

(3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a registered passenger automobile other than a pickup truck as defined in section 168.011, subdivision 29.

(c) If a towed implement of husbandry with a gross vehicle weight of more than 6,000 pounds is required under paragraph (b) to have brakes, it must also have brakes adequate to stop and hold it if it becomes detached from the towing vehicle.

Sec. 45. **INFRASTRUCTURE ADAPTATIONS.**

The commissioner of transportation shall investigate and recommend opportunities for infrastructure adaptations to accommodate the implementation of manure application technologies that lessen impacts on roads and bridges.

Sec. 46. Minnesota Statutes 2006, section 169.82, subdivision 3, is amended to read:

Subd. 3. **Hitch, chain, or cable.** (a) Every trailer or semitrailer must be hitched to the towing motor vehicle by a device approved by the commissioner of public safety.

(b) Every trailer and semitrailer must be equipped with safety chains or cables permanently attached to the trailer except in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety. In towing, the chains or cables must be attached to the vehicles near the points of bumper attachments to the chassis of each vehicle, and must be of sufficient strength to control the trailer in the event of failure of the towing device. The length of chain or cable must be no more than necessary to permit free turning of the vehicles. A minimum fine of \$25 must be imposed for a violation of this paragraph.

(c) This subdivision does not apply to towed implements of husbandry.

(d) No person may be charged with a violation of this section solely by reason of violating a maximum speed prescribed in section ~~169.145 or~~ 169.67 or 169.801.

Sec. 47. Minnesota Statutes 2006, section 169.826, subdivision 1a, is amended to read:

Subd. 1a. **Harvest season increase amount.** The limitations provided in sections 169.822 to 169.829 are increased by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. A permit issued under section 169.86, subdivision 1, paragraph (a), is required. The commissioner shall not issue permits under this subdivision if to do so will result in a loss of federal highway funding to the state.

Sec. 48. Minnesota Statutes 2006, section 169.85, subdivision 1, is amended to read:

Subdivision 1. **Driver to stop for weighing.** (a) The driver of a vehicle that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales.

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales, signs giving notice of the operation must be posted within the highway right-of-way and adjacent to the roadway within two miles of the operation. The driver of a truck or combination of vehicles registered for or ~~weighing in excess of 42,000~~ with a gross vehicle weight exceeding 10,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

Sec. 49. Minnesota Statutes 2006, section 169.86, subdivision 8, as added by Laws 2008, chapter 287, article 1, section 58, is amended to read:

Subd. 8. **Tow truck.** ~~A tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length and weight limitations of this chapter, subject to a \$300 annual permit fee and other conditions the commissioner may prescribe. The commissioner may issue permits to an applicant who pays a single \$300 annual fee to cover all tow trucks and towing vehicles owned by the applicant and meets any other conditions prescribed by the commissioner. The permit authorizes the tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or to a place of safekeeping, to exceed the length and weight limitations of this chapter.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 50. **[169.865] SPECIAL CANOLA HAULING VEHICLE PERMITS.**

Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional trailer or semitrailer, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 105,500 pounds;

(3) complies with the axle weight limits in section 169.824, or with the federal bridge formula for axle groups not described in that section;

(4) complies with the tire weight limits in section 169.823, or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on marked Trunk Highway 175 from Hallock to the North Dakota border, on U.S. Highway 75 from Hallock to Donaldson, and on marked Trunk Highway 11 from Donaldson to the North Dakota border; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

Subd. 2. **Restrictions.** Vehicles issued permits under subdivision 1 must comply with the following restrictions:

(1) the vehicle must be operated in compliance with seasonal load restrictions under section 169.87;

(2) the vehicle may not be operated on the interstate highway system or national network highways; and

(3) the vehicle may be operated on streets or highways under the control of local authorities only upon the approval of the local authority; however, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest, and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and by the Code of Federal Regulations, title 23, part 658.19.

Subd. 3. **Permit fee; appropriation.** Vehicle permits issued under subdivision 1 must be annual permits. The fee is \$850 for each vehicle and must be deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated from the trunk highway fund to the commissioner for the costs of administering the permit program.

Sec. 51. Minnesota Statutes 2006, section 169.99, is amended by adding a subdivision to read:

Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must give conspicuous notice of the fact that, if convicted, the person to whom it was issued must pay a state imposed surcharge under section 357.021, subdivision 6, and the current amount of the required surcharge.

EFFECTIVE DATE. This section is effective July 1, 2008. However, law enforcement agencies may continue to issue nonconforming tickets until the supply of those tickets has been exhausted.

Sec. 52. Minnesota Statutes 2006, section 171.01, subdivision 35, is amended to read:

Subd. 35. **Hazardous materials.** "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle any material that has been designated as hazardous under United States Code, title 49, section 5103, and is required to be placarded under Code of Federal Regulations, title 49, parts 100-185 part 172, subpart F, or any quantity of a material listed as a select agent or toxin in Code of Federal Regulations, title 42, part 73.

Sec. 53. Minnesota Statutes 2006, section 171.01, subdivision 46, is amended to read:

Subd. 46. **School bus.** "School bus" means a motor vehicle used to transport pupils to or from a school defined in section 120A.22, or to or from school related activities, by the school or a school district or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, a transit bus providing services as defined in section 174.22, subdivision 7, or a vehicle otherwise qualifying as a type III vehicle under section 169.01, subdivision 6, paragraph (5), when the vehicle is properly registered and insured and being driven by an employee or agent of a school district for nonscheduled transportation; has the meaning given in section 169.01, subdivision 6.

Sec. 54. Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2, is amended to read:

Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers' licenses are classified according to the types of vehicles that may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly.

(b) Except as provided in paragraph (c), clauses (1) and (2), and subdivision 2a, no class of license is valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There are four general classes of licenses as described in paragraphs (c) through (f).

(c) Class D drivers' licenses are valid for:

(1) operating all farm trucks if the farm truck is:

(i) controlled and operated by a farmer, including operation by an immediate family member or an employee of the farmer;

(ii) used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials, to or from a farm;

(iii) not used in the operations of a common or contract motor carrier as governed by Code of Federal Regulations, title 49, part 365; and

(iv) used within 150 miles of the farm;

(2) notwithstanding paragraph (b), operating an authorized emergency vehicle, as defined in section 169.01, subdivision 5, whether or not in excess of 26,000 pounds gross vehicle weight;

(3) operating a recreational vehicle as defined in section 168.011, subdivision 25, that is operated for personal use;

(4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials;

(5) notwithstanding paragraph (d), operating a type A school bus or a multifunctional school activity bus without a school bus endorsement if:

(i) the bus has a gross vehicle weight of 10,000 pounds or less;

(ii) the bus is designed to transport 15 or fewer passengers, including the driver; and

(iii) the requirements of subdivision 2a are satisfied, as determined by the commissioner;

(6) operating any vehicle or combination of vehicles when operated by a licensed peace officer while on duty; and

(7) towing vehicles if:

(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(d) Class C drivers' licenses are valid for:

(1) operating class D motor vehicles;

(2) with a hazardous materials endorsement, ~~transporting hazardous materials in~~ operating class D vehicles to transport hazardous materials; and

(3) with a passenger endorsement, operating buses; and

~~(3) (4)~~ (4) with a passenger endorsement and school bus endorsement, operating school buses ~~designed to transport 15 or fewer passengers, including the driver.~~

(e) Class B drivers' licenses are valid for:

(1) operating all class C motor vehicles, class D motor vehicles, and all other single-unit motor vehicles including, with a passenger endorsement, buses; and

(2) towing only vehicles with a gross vehicle weight of 10,000 pounds or less.

(f) Class A drivers' licenses are valid for operating any vehicle or combination of vehicles.

Sec. 55. Minnesota Statutes 2006, section 171.03, is amended to read:

171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

(a) A person in the employ or service of the United States federal government is exempt while driving or operating a motor vehicle owned by or leased to the United States federal government.

(b) A person in the employ or service of the United States federal government is exempt from the requirement to possess a valid class A, class B, or class C commercial driver's license while driving or operating for military purposes a commercial motor vehicle ~~owned by or leased to~~ for the United States federal government if the person is:

(1) on active duty in the U.S. Coast Guard;

(2) on active duty in a branch of the U.S. Armed Forces, which includes the Army, Air Force, Navy, and Marine Corps;

(3) a member of a reserve component of the U.S. Armed Forces; or

(4) on active duty in the Army National Guard or Air National Guard, which includes (i) a member on full-time National Guard duty, (ii) a member undergoing part-time National Guard training, and (iii) a National Guard military technician, who is a civilian required to wear a military uniform.

The exemption provided under this paragraph does not apply to a U.S. Armed Forces Reserve technician.

(c) Any person while driving or operating any farm tractor or implement of husbandry temporarily on a highway is exempt. For purposes of this section, an all-terrain vehicle, as defined in section 84.92, subdivision 8, an off-highway motorcycle, as defined in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797, subdivision 7, are not implements of husbandry.

(d) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver.

(e) A nonresident who has in immediate possession a valid commercial driver's license issued by a state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

(f) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, but only for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of the nonresident.

(g) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or jurisdiction or by military authorities of the United States may operate a motor vehicle as a driver, but only for a period of not more than 60 days after becoming a resident of this state, without being required to have a Minnesota driver's license as provided in this chapter.

(h) Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, is exempt for not more than 30 days after becoming a resident of this state.

(i) Any person operating a snowmobile, as defined in section 84.81, is exempt.

Sec. 56. Minnesota Statutes 2006, section 171.055, subdivision 2, is amended to read:

Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

(c) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

(d) For the first six months of provisional licensure, a provisional license holder may not operate a motor vehicle carrying more than one passenger under the age of 20 years who is not a member of the holder's immediate family. For the second six months, the holder of the license may not operate a motor vehicle that is carrying more than three passengers who are under the age of 20 years and who are not members of the holder's immediate family. This paragraph does not apply if the provisional license holder is accompanied by a parent or guardian.

(e) For the first six months of provisional licensure, a provisional license holder may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when the license holder is:

(1) driving between the license holder's home and place of employment;

(2) driving between the license holder's home and a school event for which the school has not provided transportation;

(3) driving for employment purposes; or

(4) accompanied by a licensed driver at least 25 years of age.

Sec. 57. Minnesota Statutes 2006, section 171.0701, is amended to read:

171.0701 DRIVER EDUCATION; ~~ORGAN AND TISSUE DONATION~~ CONTENT.

(a) The commissioner shall adopt rules requiring a minimum of 30 minutes of instruction, beginning January 1, 2007, relating to organ and tissue donations and the provisions of section 171.07, subdivision 5, for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools.

(b) The commissioner shall adopt rules for persons enrolled in driver education programs offered at public schools, private schools, and commercial driver training schools, requiring inclusion in the course of instruction, by January 1, 2009, a section on awareness and safe interaction with commercial motor vehicle traffic. The rules must require classroom instruction and behind-the-wheel training that includes, but is not limited to, truck stopping distances, proper distances for following trucks, identification of truck blind spots, and avoidance of driving in truck blind spots.

(c) The rules adopted by the commissioner under paragraph (b) are exempt from the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that notwithstanding paragraph (b) of section 14.386, the rules continue in effect until repealed or superseded by other law or rule.

Sec. 58. Minnesota Statutes 2006, section 171.13, subdivision 1, is amended to read:

Subdivision 1. **Examination subjects and locations; provisions for color blindness, disabled veterans.** Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; knowledge of railroad grade crossing safety; knowledge of slow-moving vehicle safety; knowledge of laws relating to pupil transportation safety, including the significance of school bus lights, signals, stop arm, and passing a school bus; knowledge of traffic laws related to bicycles; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for disabled persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

Sec. 59. Minnesota Statutes 2006, section 171.13, is amended by adding a subdivision to read:

Subd. 1i. **Pupil transportation safety.** The commissioner shall include in each edition of the driver's manual a section relating to pupil transportation safety laws.

Sec. 60. Minnesota Statutes 2006, section 171.13, is amended by adding a subdivision to read:

Subd. 1j. **Driver's manual; interaction with commercial motor vehicle.** The commissioner shall include in each edition of the driver's manual published by the department after August 1, 2008, a section that includes information on awareness and safe interaction with commercial motor vehicle traffic.

Sec. 61. Minnesota Statutes 2006, section 171.165, subdivision 2, is amended to read:

Subd. 2. **Implied consent revocation.** The commissioner shall disqualify a person from operating commercial motor vehicles for a revocation under section 169A.52 or a statute or ordinance from another state or jurisdiction in conformity with it, ~~in accordance with~~ for a period that is equivalent in duration under the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D, that pertain to a conviction of being under the influence of alcohol or refusal to be tested.

Sec. 62. **[171.168] NOTIFICATION OF CONVICTION FOR VIOLATION BY COMMERCIAL DRIVER.**

(a) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by this state, and who is convicted of a criminal offense; of a serious traffic violation, as defined in Code of Federal Regulations, title 49, section 383.5; or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in another state or jurisdiction, shall notify the department's Division of Driver and Vehicle Services of the conviction. The person shall notify the division within 30 days after the date that the person was convicted.

(b) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by this state, and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction. The person shall notify the person's employer within 30 days after the date that the person was convicted. If the person is not currently employed, the person shall notify the division according to paragraph (a).

(c) Notification to the division must be made in writing and contain the following information:

(1) the driver's full name;

(2) the driver's license number;

(3) the date of conviction;

(4) the specific criminal or other offense; serious traffic violation, as defined in Code of Federal Regulations, title 49, section 383.5; and any other violation of state or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges that resulted from the conviction;

(5) an indication whether the violation was in a commercial motor vehicle;

(6) the location of the offense; and

(7) the driver's signature.

Sec. 63. **[171.169] NOTIFICATION OF SUSPENSION OF LICENSE OF COMMERCIAL DRIVER.**

Each employee, as defined in Code of Federal Regulations, title 49, section 383.5, who has a Minnesota-issued driver's license suspended, revoked, or canceled by this state or another state or jurisdiction, who loses the right to operate a commercial motor vehicle in this state or another state or jurisdiction for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. The employee shall notify the employer before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

Sec. 64. Minnesota Statutes 2006, section 171.321, subdivision 1, is amended to read:

Subdivision 1. **Endorsement.** No person shall drive a school bus when transporting school children to or from school or upon a school-related trip or activity without having a valid class A, class B, or class C driver's license with a school bus endorsement except that a person possessing a valid driver's license but not a school bus endorsement may drive a ~~vehicle with a seating capacity of ten or less persons used as a school bus but not outwardly equipped or identified as a school bus~~ type III vehicle.

Sec. 65. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

Subdivision 1. **Statewide transportation plan; priorities; schedule of expenditures.** In order to best meet the present and future transportation needs of the public, to insure a strong state economy, to make most efficient use of public and private funds, and to promote the more efficient use of energy and other resources for transportation purposes, the commissioner shall:

(1) three months after notification that the department is ready to commence operations and prior to the drafting of the statewide transportation plan, hold public hearings as may be appropriate solely for the purpose of receiving suggestions for future transportation alternatives and priorities for the state. The Metropolitan Council, regional development commissions, and port authorities shall appear at the hearings and submit information concerning transportation-related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification;

(2) develop, adopt, revise, and monitor a statewide transportation plan, taking into account the suggestions and information submitted at the public hearings held pursuant to clause (1). The plan shall incorporate all modes of transportation and provide for the interconnection and coordination of different modes of transportation. The commissioner shall evaluate alternative transportation programs and facilities proposed for inclusion in the plan in terms of economic costs and benefits, safety aspects, impact on present and planned land uses, environmental effects, energy efficiency, national transportation policies and priorities, and availability of federal and other financial assistance;

(3) based upon the statewide transportation plan, develop statewide transportation priorities and schedule authorized public capital improvements and other authorized public transportation expenditures pursuant to the priorities. As permitted by the federal surface transportation program and subject to available funding, the commissioner shall give serious consideration to prioritizing for funding those trunk highway projects in the metropolitan area, as defined in section 473.121, subdivision 2, that are consistent with policies included in the Metropolitan Council's metropolitan development guide, transportation policy plan, and regional development framework, and that have been awarded funding through the federal surface transportation program. In responding to an unforeseen, catastrophic event affecting the state transportation system, the commissioner may, upon written notification to the chairs of the senate and house of representatives committees with jurisdiction over transportation policy and finance, prioritize projects without regard to availability of federal funding; and

(4) complete the plan and priorities required by this subdivision no later than July 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare and periodically revise, as necessary, the schedule of authorized public transportation expenditures. The plan, priorities, and schedule are exempt from the provisions of the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective January 1, 2009.

Sec. 66. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 1b. Statewide freight and passenger rail plan. (a) The commissioner shall develop a comprehensive statewide freight and passenger rail plan to be included and revised as a part of the statewide transportation plan.

(b) Before the initial version of the plan is adopted, the commissioner shall provide a copy for review and comment to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision of the statewide transportation plan, scheduled to be completed in calendar year 2009, prior to completion of the initial version of the comprehensive statewide freight and passenger rail plan.

Sec. 67. Minnesota Statutes 2006, section 174.24, is amended by adding a subdivision to read:

Subd. 1a. Transit service needs implementation plan. The commissioner shall develop a transit service needs implementation plan that contains a goal of meeting at least 80 percent of unmet transit service needs in greater Minnesota by July 1, 2015, and meeting at least 90 percent of unmet transit service needs in greater Minnesota by July 1, 2025. The plan must include, but is not limited to, the following: an analysis of ridership and transit service needs throughout greater Minnesota; a calculation of unmet needs; an assessment of the level and type of service required to meet unmet needs; an analysis of costs and revenue options; and, a plan to reduce unmet transit service needs as specified in this subdivision. The plan must specifically address special transportation service ridership and needs. The commissioner may amend the plan as necessary, and may use all or part of the 2001 greater Minnesota public transportation plan created by the Minnesota Department of Transportation.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 68. **[174.247] ANNUAL TRANSIT REPORT.**

(a) By February 15 annually, the commissioner shall submit a report to the legislature on transit services outside the metropolitan area. The Metropolitan Council and any public transit system receiving assistance under section 174.24 shall provide assistance in creating the report, as requested by the commissioner.

(b) The report must include, at a minimum, the following:

(1) a descriptive overview of public transit in Minnesota;

(2) a descriptive summary of funding sources and assistance programs;

(3) a summary of each public transit system receiving assistance under section 174.24;

(4) data that identifies use of volunteers in providing transit service;

(5) financial data that identifies operating and capital costs, and funding sources, for each public transit system and for each transit system classification under section 174.24, subdivision 3b; and

(6) in each odd-numbered year, beginning in 2009, a calculation of the amounts of surplus or insufficient funds available for (i) paying the state share of transit operating costs under section 174.24, subdivision 3b, and (ii) paying capital and operating costs to fully implement the transit service needs implementation plan under section 147.24, subdivision 1a.

EFFECTIVE DATE. This section is effective January 1, 2009.

Sec. 69. **[174.37] ADVISORY COMMITTEE ON NONMOTORIZED TRANSPORTATION.**

Subdivision 1. Purpose. (a) The commissioner of transportation shall establish an advisory committee on nonmotorized transportation. The committee shall make recommendations to the commissioner on items related to nonmotorized transportation, including safety, education, and development programs. The committee shall review and analyze issues and needs relating to operating nonmotorized transportation on public rights-of-way, and identify solutions and goals for addressing identified issues and needs.

(b) For purposes of this section, "nonmotorized transportation" includes bicycling, pedestrian activities, and other forms of nonmotorized transportation.

Subd. 2. Members. The advisory committee must consist of the following members:

(a) The commissioner of transportation shall appoint up to 18 public members, as follows: one member from each of the department's seven greater Minnesota districts; four members from the department's metropolitan district; and no more than seven members at large. Each of the members at large must represent nonmotorized interests or organizations.

(b) The commissioners of each of the following state agencies shall appoint an employee of the agency to serve as a member: administration, education, health, natural resources, public safety, transportation, and pollution control. The chair of the Metropolitan Council shall appoint an employee of the council to serve as a member. The director of Explore Minnesota Tourism shall appoint an employee of the agency to serve as a member. The division administrator of the Federal Highway Administration may appoint an employee of the agency to serve as a member.

(c) Members of the committee shall serve four-year terms.

Subd. 3. Meetings. The commissioner of transportation's designee shall convene the first meeting by January 15, 2009. The committee shall elect a chair from its membership, and shall establish a meeting schedule and meet at least annually.

Subd. 4. Reports. The committee shall issue an annual report to the commissioner of transportation.

Subd. 5. Expenses. Members of the advisory committee serve without compensation, but members who are not employees of government agencies must be reimbursed for expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. The commissioner of transportation shall provide department staff support to the committee.

Subd. 6. Expiration. Notwithstanding section 15.059, subdivision 5, the committee expires June 30, 2014.

Sec. 70. Minnesota Statutes 2006, section 221.011, is amended by adding a subdivision to read:

Subd. 50. Out-of-service order. "Out-of-service order" has the meaning given it in Code of Federal Regulations, title 49, section 383.5.

Sec. 71. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

Subdivision 1. Powers, duties, reports, limitations. (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require holders of household goods mover permits to file ~~annual and other reports including annual accounts of motor carriers~~, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

~~(e) A motor carrier subject to paragraph (d) but having gross revenues from for hire transportation in a calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.~~

~~(f)~~ The commissioner shall enforce sections 169.781 to 169.783.

Sec. 72. Minnesota Statutes 2006, section 221.036, subdivision 1, is amended to read:

Subdivision 1. **Order.** The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.033, subdivision 2b; (3) section 221.151; (4) section 221.171; (5) section 221.141; (6) a federal, state, or local law, regulation, rule, or ordinance pertaining to railroad-highway grade crossings; or ~~(6) (7)~~ rules of the commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 73. Minnesota Statutes 2006, section 221.036, subdivision 3, is amended to read:

Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141; 221.151; or 221.171, or rules of the commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(d) The commissioner shall assess a penalty of not less than \$1,000 against a driver who is convicted of a violation of an out-of-service order. The commissioner shall assess a penalty of not more than \$10,000 against an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order, in accordance with Code of Federal Regulations, title 49, section 383.53 against:

(1) a driver who is convicted of a violation of an out-of-service order;

(2) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order; or

(3) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

Sec. 74. Minnesota Statutes 2006, section 221.121, subdivision 1, is amended to read:

Subdivision 1. **Petition; notice and hearing; scope.** (a) A person desiring to operate as a permit carrier, except as provided in subdivision 5 or section 221.296, shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require. Letters of shipper support must be filed with the petition. No person shall knowingly make a false or misleading statement in a petition.

(b) The commissioner, ~~after notice to interested parties and a hearing,~~ shall issue the permit upon compliance with the laws and rules relating to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, ~~that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs,~~ provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291.

(c) A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner governing permit carriers.

(d) No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the commissioner from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Sec. 75. Minnesota Statutes 2006, section 221.121, subdivision 6a, is amended to read:

Subd. 6a. **Household goods carrier.** A person who desires to hold out or to operate as a carrier of household goods shall follow the procedure established in subdivision 1, and shall specifically request a household goods mover permit. ~~The permit granted by the commissioner to a person who meets the criteria established in this subdivision and subdivision 1 shall authorize the person to hold out and to operate as a household goods mover. A person who provides or offers to provide household goods packing services and who makes any arrangement directly or indirectly by lease, rental, referral, or by other means to provide or to obtain drivers, vehicles, or transportation service for moving household goods, must have a household goods mover permit~~ file an application with the commissioner on a form the commissioner prescribes. Notwithstanding this or any other section or rule to the contrary, the commissioner must not provide public notice or hearing when reviewing the application or before granting the requested operating authority. All permits granted to household goods carriers must allow statewide operation. Notwithstanding any geographical restrictions imposed upon a permit at the time it was granted or any section or rule to the contrary, the holder of a household goods permit may operate statewide.

Sec. 76. Minnesota Statutes 2006, section 221.151, subdivision 1, is amended to read:

Subdivision 1. **Petition.** (a) Permits, except livestock permits, issued under section 221.121 may be assigned or transferred but only upon the order of the commissioner approving the transfer or assignment after notice and hearing.

(b) The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits, shall file a joint notarized petition with the commissioner setting forth the name and address of the parties, the identifying number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of outstanding claims of creditors which are directly attributable to the operation to be conducted under the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the commissioner, after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing, and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service and will not have an adverse effect upon other competing carriers, the commissioner may make an order granting the sale or lease. Provided, however, that the commissioner shall make no order granting the sale or lease of a permit to a person or corporation or association which holds a certificate or permit other than local cartage carrier permit from the commissioner under this chapter or to a common carrier by rail.

~~Provided further that the commissioner shall make no order approving the sale or lease of a permit if the commissioner finds that the price paid for the sale or lease of a permit is disproportionate to the reasonable value of the permit considering the assets and goodwill involved. The commissioner shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the operations authorized under the permit and that the vehicles the transferee proposes to use in conducting the operations meet the safety standards of the commissioner. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the permit, the past operations of the transferor within the two-year period immediately preceding the transfer must be considered. Only such operating authority may be granted to the transferee as was actually exercised by the transferor under the transferor's authority within the two-year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records, or other relevant evidence. For purposes of determining the two-year period, the date of divesting of interest or control is the date of the sale.~~

(c) The commissioner shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the commissioner within 30 days of the agreement.

(d) If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the commissioner within 30 days after the sale, assignment, pledge, or other transfer of stock. The commissioner shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

Sec. 77. Minnesota Statutes 2006, section 221.221, subdivision 2, is amended to read:

Subd. 2. **Enforcement powers.** (a) Transportation program specialists and hazardous material program specialists of the department, for the purpose of enforcing are authorized to enforce (1) this chapter, sections 169.781 to 169.783 relating to commercial vehicle inspections, and sections 168D.05 and 168D.12 relating to motor carrier licenses and trip permits, (2) Code of Federal Regulations, title 49, parts 40 and 382, ~~and~~ (3) the applicable rules, orders, or directives of the commissioner of transportation and the commissioner of revenue, issued under this chapter and chapter 168D or 296A, ~~but for no other purpose, have the powers conferred by law upon police officers. The powers include the authority to~~ and (4) the North American Uniform Out-Of-Service Criteria, including issuing out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5, and they may conduct inspections at designated highway weigh stations or under other appropriate circumstances.

(b) Transportation program specialists and hazardous material program specialists of the department must not be armed and, except as provided in this section, have none of the other powers and privileges reserved to peace officers, including the power to enforce traffic laws and regulations.

Sec. 78. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail service improvement account for the following purposes:

(1) to make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;

(2) to pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines, and construction and improvement of loading, unloading, storage, and transfer facilities of a rail user;

(3) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to the state rail bank program;

(4) to provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;

(5) to pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A;

(6) to pay the state matching portion of federal grants for rail-highway grade crossing improvement projects; and

(7) to fund rail planning studies.

(b) All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 79. Minnesota Statutes 2006, section 239.791, subdivision 10, is amended to read:

Subd. 10. **Exemption for airport, marina, mooring facility, and resort.** A person responsible for the product may offer for sale, sell, or dispense at an airport, ~~marina, mooring facility, or resort~~, for use in airplanes ~~or for purposes listed under subdivision 12, paragraph (a)~~, gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline is unleaded premium grade as defined in section 239.751, subdivision 4.

Sec. 80. Minnesota Statutes 2006, section 239.791, is amended by adding a subdivision to read:

Subd. 10a. **Exemption for resorts, marinas, and houseboat rental companies.** A person responsible for the product may offer for sale, sell, or dispense at a resort, marina, or houseboat rental company gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline: has an octane rating of 87 or higher; is delivered into onsite bulk storage; and is not used for a licensed motor vehicle as defined in section 168.011, subdivision 4.

Sec. 81. Minnesota Statutes 2006, section 299D.03, subdivision 1, is amended to read:

Subdivision 1. **Members, powers, and duties.** (a) The commissioner is hereby authorized to employ and designate a chief supervisor, a chief assistant supervisor, and such assistant supervisors, sergeants and officers as are provided by law, who shall comprise the Minnesota State Patrol.

(b) The members of the Minnesota State Patrol shall have the power and authority:

- (1) as peace officers to enforce the provisions of the law relating to the protection of and use of trunk highways;
- (2) at all times to direct all traffic on trunk highways in conformance with law, and in the event of a fire or other emergency, or to expedite traffic or to insure safety, to direct traffic on other roads as conditions may require notwithstanding the provisions of law;
- (3) to serve search warrants related to criminal motor vehicle and traffic violations and arrest warrants, and legal documents anywhere in the state;
- (4) to serve orders of the commissioner of public safety or the commissioner's duly authorized agents issued under the provisions of the Driver's License Law, the Safety Responsibility Act, or relating to authorized brake- and light-testing stations, anywhere in the state and to take possession of any license, permit, or certificate ordered to be surrendered;
- (5) to inspect official brake and light adjusting stations;
- (6) to make appearances anywhere within the state for the purpose of conducting traffic safety educational programs and school bus clinics;
- (7) to exercise upon all trunk highways the same powers with respect to the enforcement of laws relating to crimes, as sheriffs and police officers;
- (8) to cooperate, under instructions and rules of the commissioner of public safety, with all sheriffs and other police officers anywhere in the state, provided that said employees shall have no power or authority in connection with strikes or industrial disputes;

(9) to assist and aid any peace officer whose life or safety is in jeopardy;

(10) as peace officers to provide security and protection to the governor, governor elect, either or both houses of the legislature, and state buildings or property in the manner and to the extent determined to be necessary after consultation with the governor, or a designee. Pursuant to this clause, members of the State Patrol, acting as peace officers have the same powers with respect to the enforcement of laws relating to crimes, as sheriffs and police officers have within their respective jurisdictions;

(11) to inspect school buses anywhere in the state for the purposes of determining compliance with vehicle equipment, pollution control, and registration requirements;

(12) as peace officers to make arrests for public offenses committed in their presence anywhere within the state. Persons arrested for violations other than traffic violations shall be referred forthwith to the appropriate local law enforcement agency for further investigation or disposition; and

(13) to enforce the North American uniform out-of-service criteria and issue out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

(c) The state may contract for State Patrol members to render the services described in this section in excess of their regularly scheduled duty hours and patrol members rendering such services shall be compensated in such amounts, manner and under such conditions as the agreement provides.

(d) Employees thus employed and designated shall subscribe an oath.

Sec. 82. Minnesota Statutes 2006, section 299D.06, is amended to read:

299D.06 PATROL EMPLOYEES WHO ARE NOT TROOPERS.

(a) Department personnel must be classified employees assigned to the Division of State Patrol if they are employed to enforce:

(1) laws relating to motor vehicle equipment; school bus equipment; drivers' licenses; motor vehicle registration; motor vehicle size and weight; motor carrier insurance, registration, and safety; and motor vehicle petroleum taxes;

(2) Pollution Control Agency rules relating to motor vehicle noise abatement; ~~and~~

(3) laws relating to directing the movement of vehicles; and

(4) the North American uniform out-of-service criteria and issue out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

(b) Employees engaged in these duties, while actually on the job during their working hours only, shall have power to:

(1) issue citations in lieu of arrest and continued detention; and

(2) prepare notices to appear in court for violation of these laws and rules, in the manner provided in section 169.91, subdivision 3.

(c) They shall not be armed and, except as provided in this section, shall have none of the other powers and privileges reserved to peace officers including the power to enforce traffic laws and regulations.

Sec. 83. Minnesota Statutes 2006, section 465.74, is amended by adding a subdivision to read:

Subd. 10. **Facility relocation costs.** Notwithstanding any contrary provisions in section 237.163, and rules adopted under that section, public right-of-way users under Minnesota Rules, chapter 7819, including, but not limited to, district heating and district cooling nonprofit corporations organized under chapter 317A that are exempt organizations under section 501(c)(3) of the United States Internal Revenue Code, are eligible to receive grants and federal money for costs of relocating facilities from public rights-of-way to prevent interference with public light rail projects, unless eligibility would impact the project's Federal Transit Authority required cost effectiveness index.

Sec. 84. Minnesota Statutes 2006, section 473.13, subdivision 1a, is amended to read:

Subd. 1a. **Program evaluation.** The budget procedure of the council must include a substantive assessment and evaluation of the effectiveness of each significant program of the council, with, to the extent possible, quantitative information on the status, progress, costs, benefits, and effects of each program. An assessment of progress towards meeting transit goals for people with disabilities must be included, with required elements including, but not limited to:

- (1) a description of proposed program enhancements;
- (2) an assessment of progress;
- (3) identification of the estimated total number of potential and actual riders who are disabled;
- (4) an assessment of the level and type of service required to meet unmet ridership needs; and
- (5) an analysis of costs and revenue options, including a calculation of the amounts of surplus or insufficient funds available for achieving paratransit needs.

The council shall transmit the evaluation to the legislature annually.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 85. Minnesota Statutes 2006, section 473.399, is amended by adding a subdivision to read:

Subd. 5. **Availability of light rail transit information.** The Metropolitan Council shall maintain in a centralized location on an Internet Web site, for each light rail transit line operated by the council and for each year of operation of the line:

- (1) financial data, including revenue by source and operating and capital expenses; and
- (2) ridership information, including ridership and passenger miles.

Sec. 86. Laws 1976, chapter 199, section 14, subdivision 1, as amended by Laws 1984, chapter 572, section 3, subdivision 1, is amended to read:

Subdivision 1. **Safety regulation study.** The commissioner of transportation, with the cooperation of representatives of regional and local units of government and law enforcement agencies, the state trail council, the Governor's trail advisory committee, the commissioner of public safety, highway user groups and associations, and cycling groups and associations shall review and analyze problems relating to the operation of bicycles on the public roads and ways.

As part of this review and analysis the commissioner shall review the Minnesota motor vehicle code to identify provisions which give motorists and bicyclists inadequate guidelines where such traffic conflicts or which may be inconsistent or ambiguous when applied to traffic situations involving special bicycle facilities within or adjacent to public streets and highways.

No later than January 15, 1977 the commissioner shall report the results of this review and analysis and recommendations for any necessary action to the legislative committees having jurisdiction over the subject.

~~Following the completion of the study the advisory committee on bicycling formed by the commissioner under this subdivision shall continue to function under that name in an advisory capacity to make recommendations to the commissioners of transportation and public safety and the legislature on bicycle safety and bicycle education and development programs.~~

Sec. 87. **ENGINE BRAKES; REGULATION BY MINNEAPOLIS.**

Notwithstanding any other law or charter provision, the governing body of the city of Minneapolis may by ordinance restrict or prohibit the use of an engine brake on motor vehicles along Legislative Route No. 107, also known as marked Interstate Highway 394, beginning at the South Penn Avenue interchange in the city of Minneapolis and thence extending easterly to the terminus of marked Interstate Highway 394. Upon notification to the commissioner of transportation by the city of Minneapolis, the commissioner of transportation shall erect the appropriate signs, with the cost of the signs to be paid by the city. For purposes of this section, "engine brake" means any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 88. **LITTLE CROW TRANSIT WAY.**

The commissioner of transportation and the Metropolitan Council shall reference in planning or study documents any commuter rail or other transit service proposal along or near marked Trunk Highway 12 between Willmar and downtown Minneapolis as the Little Crow transit way.

Sec. 89. **HIGHWAY CHANGES; REPEALERS; EFFECTIVE DATES; REVISOR INSTRUCTIONS.**

Subdivision 1. **Legislative Route No. 295 removed.** (a) Minnesota Statutes 2006, section 161.115, subdivision 226, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the city of St. Peter to transfer jurisdiction of Legislative Route No. 295 to the city of St. Peter and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing that the conditions required to transfer the route are satisfied.

Subd. 2. **Legislative Route No. 335 removed.** (a) Minnesota Statutes 2006, section 161.115, subdivision 266, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the city of St. Peter to transfer jurisdiction of Legislative Route No. 335 to the city of St. Peter and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing that the conditions required to transfer the route are satisfied.

Sec. 90. **RIGHT-OF-WAY TRANSFERRED TO STATE RAIL BANK.**

(a) Notwithstanding Minnesota Statutes, section 16B.281, 16B.282, 92.45, or any other law to the contrary, the trunk highway right-of-way described in paragraph (b) is hereby transferred to the state rail bank under Minnesota Statutes, section 222.63, being a certain parcel of land located in the county of Otter Tail, state of Minnesota, being more particularly described in paragraph (b).

(b) All of Tracts A, B, and C described below:

TRACT A

That part of Government Lot 1 of Section 12, Township 132 North, Range 43 West, Otter Tail County, Minnesota, lying Northeasterly of the former Southwesterly right-of-way line of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company);

TRACT B

A strip of land 150 feet in width, being 75 feet on each side of the former centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company) across the SW1/4NW1/4 of Section 12, Township 132 North, Range 43 West, Otter Tail County, Minnesota, said strip extending from the South line to the West line of said SW1/4NW1/4; together with that part of said SW1/4NW1/4 adjoining and Westerly of the above described strip and Easterly of the Easterly right-of-way line of said railroad company as located prior to 1888;

TRACT C

A strip of land 100 feet in width, being 50 feet on each side of the former centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company) across the E1/2NE1/4 of Section 11, Township 132 North, Range 43 West, Otter Tail County, Minnesota, said strip extending from the East to the North line of said E1/2NE1/4;

together with that part of Tract D described below:

TRACT D

A strip of land 100 feet in width, being 50 feet on each side of the former centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis and Manitoba Railway Company) across the E1/2 of Section 2, Township 132 North, Range 43 West, Otter Tail County, Minnesota;

which lies Southeasterly of a line run parallel with and distant 135 feet Southeasterly of Line 1 described below:

LINE 1.

Beginning at a point on the North and South Quarter line of said Section 2, distant 1,060.11 feet North of the South Quarter corner thereof; thence run Northeasterly at an angle of 72°36'15" (measured from North to East) from said North and South Quarter line for 1,600 feet and there terminating;

together with all right of access, being the right of ingress to and egress from that part of Tract D hereinbefore described, not acquired herein, to the above described strip.

Sec. 91. **BRIDGE INFRASTRUCTURE PLANNING.**

Subdivision 1. **Trunk highway bridge improvements.** In conjunction with the planning or design for construction, reconstruction, or replacement of a trunk highway bridge in the metropolitan area, within the meaning of Minnesota Statutes, section 473.121, the commissioner of transportation shall consult with the chair of the Metropolitan Council to identify necessary or feasible transit infrastructure and improvements in the corridor.

Subd. 2. **Planning and development.** The commissioner and the chair shall develop a process to coordinate planning and development of highway and transit projects to enhance the efficient use of resources, facilitate selection of appropriate infrastructure choices, and provide a balanced transportation system for the metropolitan area.

Sec. 92. **CREATION OF PLAN, REPORTS, AND ASSESSMENTS.**

The Department of Transportation and the Metropolitan Council shall create the plan, reports, and assessments required in Minnesota Statutes, sections 174.24, subdivision 1a; 174.247; and 473.13, subdivision 1a, within current appropriation levels.

Sec. 93. **REPORT ON OFFICE OF PUPIL TRANSPORTATION SAFETY.**

By January 15, 2009, the commissioner of public safety and the director of pupil transportation safety must report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation and education policy and finance concerning the Office of Pupil Transportation Safety, including adequacy of funding, staffing levels, available technology to carry out the requirements of Minnesota Statutes, section 169.435, and any recommended legislation to improve the ability of the pupil transportation safety director to perform statutory duties.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 94. **COMPLETE STREETS.**

The commissioner of transportation, in cooperation with the Metropolitan Council and representatives of counties, statutory and home rule charter cities, and towns, shall study the benefits, feasibility, and cost of adopting a complete streets policy applicable to plans to construct, reconstruct, and relocate streets and roads that includes the following elements:

- (1) safe access for all users, including pedestrians, bicyclists, motorists, and transit riders;
- (2) bicycle and pedestrian ways in urbanized areas except where bicyclists and pedestrians are prohibited by law, where costs would be excessively disproportionate, and where there is no need for bicycle and pedestrian ways;
- (3) paved shoulders on rural roads;
- (4) safe pedestrian travel, including for people with disabilities, on sidewalks and street crossings;
- (5) utilization of the latest and best design standards; and
- (6) consistency of complete streets plan with community context.

The commissioner shall report findings, conclusions, and recommendations to the senate Transportation Budget and Policy Division and the house of representatives Transportation Finance Division and Transportation and Transit Policy Subcommittee by December 5, 2009.

Sec. 95. **APPROPRIATION.**

\$575,000 is appropriated from the trunk highway fund to the commissioner of public safety in fiscal year 2009 to implement and operate the Office of Pupil Transportation Safety.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 96. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the terms "type III school bus," "type III bus," and "type III Head Start bus" to "type III vehicle," and the terms "type III school buses," "type III buses," and "type III Head Start buses" to "type III vehicles," in Minnesota Statutes, chapters 169, 169A, and 171, and in Minnesota Rules, parts 7470.1400 and 7470.1500.

Sec. 97. **REPEALER.**

Minnesota Statutes 2006, sections 168.123, subdivision 2a; 168B.087, subdivision 2; 169.145; 169.446, subdivision 3; and 221.121, subdivision 4, are repealed.

ARTICLE 2

RAILWAY WALKWAY SAFETY

Section 1. **[219.501] RAIL CARRIER WALKWAYS.**

Subdivision 1. **Duty to provide walkways.** (a) Rail carriers must provide walkways adjacent to those portions of yard tracks where rail carrier employees frequently work on the ground performing switching activities. For purposes of this section, "frequently work" means at least five days per week, one shift per day.

(b) This section applies to reconstruction and new construction of yard track completed after July 1, 2008.

(c) This section does not apply to an entity that owns or operates track in this state other than class one and class two rail carriers as classified by the Federal Railroad Administration.

Subd. 2. **General requirements.** (a) Walkways constructed pursuant to this section may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or other similar nonrevenue material. When crushed material is used, 100 percent of the material must be capable of passing through a 1-1/2-inch square sieve opening, and at least 90 percent of the material must be capable of passing through a one-inch square sieve opening provided, however, a de minimus variation is not a violation of this section where the rail carrier has made a good faith effort to comply with the percentage requirements. Smaller crushed material is preferable, where drainage and durability issues do not arise. Material that is three-quarter inch or less in size is recommended for switching lead tracks.

(b) Walkways must have a reasonably uniform surface and must be maintained in a safe condition without compromising track drainage.

(c) Cross slopes for walkways must not exceed one inch of elevation for each eight inches of horizontal length in any direction.

(d) Walkways must be a minimum width of two feet.

(e) Walkways regulated under this section must be kept reasonably clear of spilled fuel, oil, sand, posts, rocks, and other hazards or obstructions.

Subd. 3. **Allowances for unusual conditions.** Rail carriers are not required to comply with the requirements of this section during (1) maintenance activities or any period of heavy rain or snow, derailments, rock and earth slides, washouts, and similar weather or seismic conditions, and (2) during a reasonable period after any occurrences identified in clause (1) in order to allow a return to compliance.

Subd. 4. **Waiver of requirements.** Upon written request of a rail carrier, the commissioner may waive any portion of this section where conditions do not reasonably allow compliance. A decision of the commissioner is subject to the requirements under section 218.041.

Sec. 2. Minnesota Statutes 2006, section 219.51, is amended to read:

219.51 CLEARANCE VIOLATIONS AND PENALTIES.

Subdivision 1. **Clearance Violation.** A common carrier, corporation, or person subject to sections 219.45 to 219.53 violating any of the provisions of those sections, is liable to a penalty of not more than \$500 for each violation.

Subd. 2. **Failure to correct.** If a common carrier, person, or corporation (1) fails to correct a violation of sections 219.45 to 219.53 when ordered by the commissioner of transportation within the time provided in the order, and (2) does not appeal the order, then failure to correct the violation as ordered by the commissioner constitutes a new and separate offense distinct from the original violation of sections 219.45 to 219.53.

Subd. 3. **Duties of attorney general.** The penalty must be recovered in a suit brought in the name of the state by the attorney general in a court having jurisdiction in the locality where the violation was committed. Under the direction of the commissioner, the attorney general shall bring suit upon receipt of duly verified information from any person of a violation being committed. The commissioner shall lodge with the attorney general information of any violation as may come to their knowledge.

Subd. 4. **Walkway orders.** When the commissioner finds that rail carrier employees who frequently work adjacent to a portion of track performing switching activities are exposed to safety hazards due to the lack of a walkway or to the condition of a walkway constructed before July 1, 2008, the commissioner may, under the provisions of this section, order a rail carrier to construct a walkway adjacent to a portion of track where employees are performing switching activities, or require a rail carrier to modify an existing walkway in conformance with the standards set forth in section 219.501, within a reasonable period of time.

Subd. 5. **Filing of complaints.** No formal complaint of an alleged violation of sections 219.45 to 219.53 may be filed until the filing party has attempted to address the alleged violations with the rail carrier. Any complaint of an alleged violation must contain a written statement that the filing party has made a reasonable, good faith attempt to address the alleged violation.

Sec. 3. Minnesota Statutes 2006, section 609.85, subdivision 6, is amended to read:

Subd. 6. **Trespass; allowing animals on track exception.** Whoever intentionally trespasses, or who permits animals under the person's control to trespass on a railroad track, yard, or bridge is guilty of a misdemeanor. This subdivision does not apply to an elected union official's access to those facilities when acting in an official capacity, to an employee acting within the scope of employment, or to a person with written permission from the railroad company to enter upon the railroad facility."

Delete the title and insert:

"A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, vehicle registration, traffic regulations and surcharges, commercial vehicles and vehicle combinations and permits, pupil transportation and school bus drivers, drivers' licenses, driver training, motor fuels, the State Patrol, transit and paratransit planning, the transfer of right-of-way to state rail bank, nonmotorized transportation, transportation finance, and other transportation-related programs or practices; requiring studies and reports; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 161.14, by adding a subdivision; 162.02, by adding a subdivision; 163.051, subdivision 1; 168.011, subdivisions 7, 22; 168.012, subdivision 1, by adding a subdivision; 168.013, by adding a subdivision; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168.28; 168A.01, subdivision 21; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.21, by adding a subdivision; 169.224; 169.435; 169.446, subdivision 2; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, subdivision 8, as added; 169.99, by adding a subdivision; 171.01, subdivisions 35, 46; 171.03; 171.055, subdivision 2; 171.0701; 171.13, subdivision 1, by adding subdivisions; 171.165, subdivision 2; 171.321, subdivision 1; 174.03, subdivision 1, by adding a subdivision; 174.24, by adding a subdivision; 219.51; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 221.221, subdivision 2; 222.50, subdivision 7; 239.791, subdivision 10, by adding a subdivision; 299D.03, subdivision 1; 299D.06; 465.74, by adding a subdivision; 473.13, subdivision 1a; 473.399, by adding a subdivision; 609.85, subdivision 6; Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2; Laws 1976, chapter 199, section 14, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 168; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168.123, subdivision 2a; 168B.087, subdivision 2; 169.145; 169.446, subdivision 3; 221.121, subdivision 4."

We request the adoption of this report and repassage of the bill.

House Conferees: MELISSA HORTMAN, TERRY MORROW, ALICE HAUSMAN, MICHAEL V. NELSON AND RON ERHARDT.

Senate Conferees: STEVE MURPHY, D. SCOTT DIBBLE, KATIE SIEBEN, MICHAEL J. JUNGBAUER AND RICK E. OLSEEN.

Hortman moved that the report of the Conference Committee on H. F. No. 3800 be adopted and that the bill be repassed as amended by the Conference Committee.

Seifert moved that the House refuse to adopt the Conference Committee report on H. F. No. 3800, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Erickson and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dettmer	Hausman	Lenczewski	Olin	Slawik
Anderson, B.	Dill	Haws	Liebling	Olson	Slocum
Anderson, S.	Dittrich	Heidgerken	Lieder	Otremba	Smith
Anzelc	Dominguez	Hilstrom	Lillie	Ozment	Solberg
Atkins	Doty	Hilty	Loeffler	Paulsen	Swails
Beard	Drazkowski	Holberg	Madore	Paymar	Thao
Benson	Eastlund	Hoppe	Magnus	Peppin	Tillberry
Berns	Eken	Hornstein	Mahoney	Peterson, A.	Tingelstad
Bigham	Emmer	Hortman	Mariani	Peterson, N.	Tschumper
Bly	Erhardt	Hosch	Marquart	Peterson, S.	Urdahl
Brod	Erickson	Howes	Masin	Poppe	Wagenius
Brown	Faust	Huntley	McFarlane	Rukavina	Walker
Brynaert	Finstad	Jaros	McNamara	Ruth	Ward
Buesgens	Fritz	Johnson	Moe	Ruud	Wardlow
Bunn	Gardner	Juhnke	Morgan	Sailer	Walti
Carlson	Garofalo	Kahn	Morrow	Scalze	Westrom
Clark	Gottwalt	Kalin	Mullery	Seifert	Winkler
Cornish	Greiling	Knuth	Murphy, E.	Sertich	Wollschlager
Davnie	Gunther	Koenen	Murphy, M.	Severson	Zellers
Dean	Hackbarth	Kohls	Nelson	Shimanski	Spk. Kelliher
DeLaForest	Hamilton	Laine	Nornes	Simon	
Demmer	Hansen	Lanning	Norton	Simpson	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Seifert motion that the House refuse to adopt the Conference Committee report on H. F. No. 3800 and that the bill be returned to the Conference Committee and the roll was called. There were 52 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dill	Gunther	Koenen	Nornes	Shimanski
Anderson, S.	Drazkowski	Hackbarth	Kohls	Olson	Simpson
Beard	Eastlund	Hamilton	Lanning	Otremba	Smith
Berns	Eken	Heidgerken	Lesch	Ozment	Solberg
Buesgens	Emmer	Hilstrom	Magnus	Peppin	Urdahl
Dean	Erickson	Holberg	McFarlane	Rukavina	Westrom
DeLaForest	Finstad	Hoppe	McNamara	Ruth	Zellers
Demmer	Garofalo	Howes	Moe	Seifert	
Dettmer	Gottwalt	Juhnke	Mullery	Severson	

Those who voted in the negative were:

Abeler	Benson	Brod	Bunn	Cornish	Dominguez
Anzelc	Bigham	Brown	Carlson	Davnie	Doty
Atkins	Bly	Brynaert	Clark	Dittrich	Erhardt

Faust	Huntley	Loeffler	Norton	Sertich	Ward
Fritz	Jaros	Madore	Olin	Simon	Wardlow
Gardner	Johnson	Mahoney	Paulsen	Slawik	Welti
Greiling	Kahn	Mariani	Paymar	Slocum	Winkler
Hansen	Kalin	Marquart	Peterson, A.	Swails	Wollschlager
Hausman	Knuth	Masin	Peterson, N.	Thao	Spk. Kelliher
Haws	Laine	Morgan	Peterson, S.	Tillberry	
Hilty	Lenczewski	Morrow	Poppe	Tingelstad	
Hornstein	Liebling	Murphy, E.	Ruud	Tschumper	
Hortman	Lieder	Murphy, M.	Sailer	Wagenius	
Hosch	Lillie	Nelson	Scalze	Walker	

The motion did not prevail.

The question recurred on the Hortman motion that the report of the Conference Committee on H. F. No. 3800 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3800, A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 88 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Abeler	Bly	Cornish	Faust	Hansen	Hortman
Anzelc	Brown	Davnie	Fritz	Hausman	Hosch
Atkins	Brynaert	Dittrich	Gardner	Haws	Huntley
Benson	Bunn	Dominguez	Garofalo	Hilty	Jaros
Berns	Carlson	Doty	Gottwalt	Hoppe	Johnson
Bigham	Clark	Erhardt	Greiling	Hornstein	Juhnke

Kahn	Lillie	Morrow	Peppin	Simon	Wagenius
Kalin	Loeffler	Murphy, E.	Peterson, A.	Slawik	Walker
Knuth	Madore	Murphy, M.	Peterson, N.	Slocum	Ward
Koenen	Mahoney	Nelson	Peterson, S.	Smith	Wardlow
Kohls	Mariani	Nornes	Poppe	Swails	Winkler
Laine	Marquart	Norton	Ruth	Thao	Wollschlager
Lenczewski	Masin	Olin	Ruud	Tillberry	Spk. Kelliher
Liebling	McNamara	Paulsen	Sailer	Tingelstad	
Lieder	Morgan	Paymar	Scalze	Tschumper	

Those who voted in the negative were:

Anderson, B.	Dettmer	Gunther	Lesch	Rukavina	Welti
Anderson, S.	Dill	Hackbarth	Magnus	Seifert	Westrom
Beard	Drazkowski	Hamilton	McFarlane	Sertich	Zellers
Brod	Eastlund	Heidgerken	Moe	Severson	
Buesgens	Eken	Hilstrom	Mullery	Shimanski	
Dean	Emmer	Holberg	Olson	Simpson	
DeLaForest	Erickson	Howes	Otremba	Solberg	
Demmer	Finstad	Lanning	Ozment	Urdahl	

The bill was repassed, as amended by Conference, and its title agreed to.

CALL OF THE HOUSE LIFTED

Simon moved that the call of the House be lifted. The motion prevailed and it was so ordered.

CALENDAR FOR THE DAY

H. F. No. 615 was reported to the House.

Walker moved to amend H. F. No. 615, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 121A.23, subdivision 1, is amended to read:

Subdivision 1. **Sexually transmitted infections and diseases program.** The commissioner of education, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of pregnancy and sexually transmitted infections and diseases, including but not exclusive to human immune deficiency virus and human papilloma virus. Each district must have a program that includes at least:

(1) planning materials, guidelines, and other ~~technically~~ medically accurate and ~~updated~~ age appropriate information;

(2) a comprehensive, ~~technically~~ medically accurate, and ~~updated~~ age appropriate curriculum that includes helping students to abstain from sexual activity until marriage, contributes to healthy relationships, develops communication skills, and promotes individual responsibility;

(3) cooperation and coordination among districts and SCs;

(4) ~~a targeting of prevention efforts~~ for adolescents, especially those who may be at high risk of pregnancy or contracting sexually transmitted infections and diseases, ~~for prevention efforts;~~

(5) involvement of parents and other community members;

(6) in-service training for appropriate district staff and school board members;

(7) collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;

(8) collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program; and

(9) participation by state and local student organizations.

The department may provide assistance at a neutral site to a nonpublic school participating in a district's program. District programs must not conflict with the health and wellness curriculum developed under Laws 1987, chapter 398, article 5, section 2, subdivision 7.

If a district fails to develop and implement a program to prevent and reduce the risk of pregnancy and sexually transmitted infection and disease, the department must assist the service cooperative in the region serving that district to develop or implement the program.

Sec. 2. [121A.232] INFORMATION ON IMMUNIZATIONS.

(a) If, at any time during a school year, a public or private school provides information on immunizations, infectious disease, medications, or other school health issues to parents and legal guardians of pupils in grade 6, 9, or 12, the school is required to include with that information the following:

(1) information about meningococcal meningitis and the vaccine for meningococcal meningitis, including the causes and symptoms of meningococcal meningitis, how it is spread, and sources where parents and legal guardians may obtain additional information about meningococcal meningitis and may obtain vaccination of a child against meningococcal meningitis; and

(2) information about human papillomavirus and the vaccine for human papillomavirus, including the risks associated with human papillomavirus; the availability, effectiveness, and potential risks of immunization for human papillomavirus; and sources where parents and legal guardians may obtain additional information about human papillomavirus and may obtain vaccination of a child against human papillomavirus.

(b) The Department of Education, in cooperation with the Department of Health, shall develop and make available to school districts, public schools, and private schools information that meets the requirements of paragraph (a), clauses (1) and (2). The department shall do this in the manner the department deems to be the most cost-effective and programmatically effective, which shall include at the very least, posting the information on the department's Web site."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 615, A bill for an act relating to education; modifying the sexually transmitted infections and diseases education program; requiring information on certain immunizations; amending Minnesota Statutes 2006, section 121A.23, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 121A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Huntley	Madore	Paymar	Thao
Atkins	Erhardt	Jaros	Mahoney	Peterson, A.	Tillberry
Benson	Faust	Johnson	Mariani	Peterson, S.	Tschumper
Bigham	Fritz	Juhnke	Marquart	Poppe	Wagenius
Bly	Gardner	Kahn	Masin	Rukavina	Walker
Brown	Greiling	Kalin	McNamara	Ruud	Ward
Brynaert	Hansen	Knuth	Moe	Sailer	Welti
Bunn	Hausman	Laine	Morgan	Scalze	Winkler
Carlson	Haws	Lenczewski	Morrow	Sertich	Wollschlager
Clark	Hilstrom	Lesch	Mullery	Simon	Spk. Kelliher
Davnie	Hilty	Liebling	Murphy, E.	Slawik	
Dill	Hornstein	Lieder	Murphy, M.	Slocum	
Dittrich	Hortman	Lillie	Nelson	Solberg	
Dominguez	Hosch	Loeffler	Norton	Swails	

Those who voted in the negative were:

Abeler	DeLaForest	Garofalo	Koenen	Ozment	Smith
Anderson, B.	Demmer	Gottwalt	Kohls	Paulsen	Tingelstad
Anderson, S.	Dettmer	Gunther	Lanning	Peppin	Urdahl
Beard	Doty	Hackbarth	Magnus	Peterson, N.	Wardlow
Berns	Drazkowski	Hamilton	McFarlane	Ruth	Westrom
Brod	Eastlund	Heidgerken	Nornes	Seifert	Zellers
Buesgens	Emmer	Holberg	Olin	Severson	
Cornish	Erickson	Hoppe	Olson	Shimanski	
Dean	Finstad	Howes	Otremba	Simpson	

The bill was passed, as amended, and its title agreed to.

Simon moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Juhnke.

There being no objection, the order of business reverted to Reports of Standing Committees and Divisions.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 2492, A bill for an act relating to state government; appropriating money for environment and natural resources; providing for repayment of certain appropriations from the environment and natural resources trust fund; amending Minnesota Statutes 2006, section 116P.10.

Reported the same back with the recommendation that the first unofficial engrossment pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 2492 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3082, A bill for an act relating to retirement; various retirement plans; adding two employment positions to the correctional state employees retirement plan; including certain departments of the Rice Memorial Hospital in Willmar and the Worthington Regional Hospital in privatized public employee retirement coverage; providing for the potential dissolution of the Minnesota Post Retirement Investment Fund; increasing teacher retirement plan reemployed annuitant earnings limitations; temporarily exempting Metropolitan Airports Commission police officers from reemployed annuitant earnings limits; mandating joint and survivor optional annuities rather than single life annuities as basic annuity form; making various changes in retirement plan administrative provisions; clarifying general state employee retirement plan alternative coverage elections by certain unclassified state employees retirement program participants; clarifying direct state aid for the teacher retirement associations; clarifying the handling of unclaimed retirement accounts in the individual retirement account plan; providing for a study of certain Minnesota State Colleges and Universities System tenure track faculty members; modifying the manner in which official actuarial work for public pension plans is performed; allowing pension plans greater latitude in setting salary and payroll assumptions; extending amortization target dates for various retirement plans; making the number and identity of tax-sheltered annuity vendors a mandatory bargaining item for school districts and their employees; allowing a certain firefighter relief association certain benefit increases; providing for certain teacher retirement benefit and contribution increases; allowing security broker-dealers to directly hold local pension plan assets; increasing upmost flexible service pension maximum amounts for volunteer firefighters;

creating a voluntary statewide volunteer firefighter retirement plan advisory board within the Public Employees Retirement Association; allowing various retirement plans to accept labor union retired member dues deduction authorizations; authorizing various prior service credit purchases; authorizing certain service credit and coverage transfers; authorizing a disability benefit application to be rescinded; authorizing a retirement coverage termination; providing an additional benefit to certain injured Minneapolis bomb squad officers; allowing certain Independent School District No. 625 school board members to make back defined contribution retirement plan contributions; revising post-2009 additional amortization state aid allocations; modifying PERA-P&F duty disability benefit amounts; authorizing a PERA prior military service credit purchase; revising the administrative duties of the board and the executive director of the Minnesota State Retirement System; increasing pension commission membership; appropriating money; amending Minnesota Statutes 2006, sections 3.85, subdivision 3; 6.67; 11A.18, subdivision 9, by adding subdivisions; 16A.055, subdivision 5; 43A.346, subdivisions 4, 5, 6, 7; 69.011, subdivision 1; 123B.02, subdivision 15; 127A.50, subdivision 1; 352.03, subdivisions 4, 5; 352.12, subdivision 2; 352.22, subdivision 10; 352.931, subdivision 1; 352.97; 352.98, subdivisions 1, 2, 3, 4, 5; 352D.075, subdivision 2a; 353.01, subdivisions 10, 11a, by adding a subdivision; 353.27, by adding a subdivision; 353.30, subdivision 3; 353.33, subdivision 5; 353.64, subdivision 11; 353.656, subdivision 2; 353D.05, subdivision 2; 353D.12, subdivision 4; 353E.07, subdivision 7; 354.05, subdivisions 37, 38; 354.33, subdivision 5; 354.42, subdivisions 2, 3; 354.44, subdivision 5; 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a, 3a; 354A.31, subdivisions 3, 4, 4a, 7; 354B.20, by adding a subdivision; 354B.25, subdivision 5, by adding a subdivision; 354C.165; 356.20, subdivisions 1, 2, 3, 4, 4a; 356.214, subdivisions 1, 3, by adding a subdivision; 356.215, subdivisions 1, 2, 3, 8, 11, 18; 356.24, subdivision 1; 356.315, by adding a subdivision; 356.41; 356.46, as amended; 356.47, subdivision 3; 356.551, subdivision 2; 356.611, subdivision 2, by adding a subdivision; 356A.06, subdivisions 1, 7, 8b; 356B.10, subdivision 3; 363A.36, subdivision 1; 383B.914, subdivision 7; 423A.02, subdivision 1b; 424A.001, subdivision 6, by adding a subdivision; 424A.02, subdivisions 3, 7, 9; 424A.05, subdivision 3; 518.003, subdivision 8; Minnesota Statutes 2007 Supplement, sections 43A.346, subdivisions 1, 2; 352.01, subdivision 2a; 352.017, subdivision 2; 352.91, subdivision 3d; 352.955, subdivisions 3, 5; 352D.02, subdivisions 1, 3; 353.01, subdivision 2b; 353.0161, subdivision 2; 353.27, subdivision 14; 353.32, subdivision 1a; 353.656, subdivision 1; 353.657, subdivision 2a; 353F.02, subdivision 4; 354.096, subdivision 2; 354.44, subdivision 6; 354.72, subdivision 2; 354A.12, subdivision 3c; 354C.12, subdivision 4; 356.96, subdivision 1; 422A.06, subdivision 8; Laws 2002, chapter 392, article 2, section 4; Laws 2006, chapter 271, article 5, section 5; proposing coding for new law in Minnesota Statutes, chapters 11A; 352; 353D; 353F; 354; 354C; 356; 423A; repealing Minnesota Statutes 2006, sections 352.96; 354.44, subdivision 6a; 354.465; 354.51, subdivision 4; 354.55, subdivisions 2, 3, 6, 12, 15; 354A.091, subdivisions 1a, 1b; 354A.12, subdivision 3a; 355.629; 356.214, subdivision 2; 356.215, subdivision 2a; Minnesota Statutes 2007 Supplement, section 354A.12, subdivisions 3b, 3c; Laws 1965, chapter 592, sections 3, as amended; 4, as amended; Laws 1967, chapter 575, sections 2, as amended; 3; 4; Laws 1969, chapter 352, section 1, subdivisions 3, 4, 5, 6; Laws 1969, chapter 526, sections 3; 4; 5, as amended; 7, as amended; Laws 1971, chapter 140, sections 2, as amended; 3, as amended; 4, as amended; 5, as amended; Laws 1971, chapter 214, section 1, subdivisions 1, 2, 3, 4, 5; Laws 1973, chapter 304, section 1, subdivisions 3, 4, 5, 6, 7, 8, 9; Laws 1973, chapter 472, section 1, as amended; Laws 1975, chapter 185, section 1; Laws 1985, chapter 261, section 37, as amended; Laws 1991, chapter 125, section 1; Laws 1993, chapter 244, article 4, section 1; Laws 2005, First Special Session chapter 8, article 1, section 23; Minnesota Rules, parts 7905.0100; 7905.0200; 7905.0300; 7905.0400; 7905.0500; 7905.0600; 7905.0700; 7905.0800; 7905.0900; 7905.1000; 7905.1100; 7905.1200; 7905.1300; 7905.1400; 7905.1500; 7905.1600; 7905.1700; 7905.1800; 7905.1900; 7905.2000; 7905.2100; 7905.2200; 7905.2300; 7905.2400; 7905.2450; 7905.2500; 7905.2560; 7905.2600; 7905.2700; 7905.2800; 7905.2900.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3800, A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1724, A bill for an act relating to occupations and professions; providing for registration of naturopathic doctors; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 147E.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Walker moved that the House concur in the Senate amendments to H. F. No. 1724 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1724, A bill for an act relating to occupations and professions; providing for registration of naturopathic doctors; establishing an advisory council; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 147E.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 111 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Holberg	Lieder	Paulsen	Smith
Anderson, S.	Dominguez	Hoppe	Loeffler	Paymar	Solberg
Anzelc	Doty	Hornstein	Madore	Pelowski	Swails
Atkins	Eken	Hortman	Magnus	Peppin	Thao
Beard	Emmer	Hosch	Mahoney	Peterson, A.	Thissen
Benson	Erhardt	Howes	Mariani	Peterson, N.	Tillberry
Berns	Faust	Huntley	Marquart	Peterson, S.	Tingelstad
Bigham	Finstad	Jaros	Masin	Poppe	Tschumper
Bly	Fritz	Johnson	McFarlane	Rukavina	Wagenius
Brod	Gardner	Juhnke	McNamara	Ruth	Walker
Brown	Garofalo	Kahn	Moe	Ruud	Ward
Brynaert	Greiling	Kalin	Morgan	Sailer	Wardlow
Bunn	Gunther	Knuth	Morrow	Scalze	Welti
Carlson	Hamilton	Koenen	Mullery	Seifert	Wollschlager
Clark	Hansen	Kohls	Murphy, E.	Sertich	Zellers
Davnie	Hausman	Laine	Murphy, M.	Severson	Spk. Kelliher
Dean	Haws	Lenczewski	Nelson	Simon	
DeLaForest	Hilstrom	Lesch	Olin	Slawik	
Demmer	Hilty	Liebling	Otremba	Slocum	

Those who voted in the negative were:

Anderson, B.	Dittrich	Gottwalt	Lillie	Ozment	Westrom
Buesgens	Drazkowski	Hackbarth	Nornes	Shimanski	Winkler
Cornish	Eastlund	Heidgerken	Norton	Simpson	
Dettmer	Erickson	Lanning	Olson	Urdahl	

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 995, A resolution memorializing the Governor to take action to prepare a plan of response and preparation to meet the challenges of Peak Oil.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Hilty moved that the House concur in the Senate amendments to H. F. No. 995 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 995, A resolution memorializing the Governor to take action to prepare a plan of response and preparation to meet the challenges of Peak Oil.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 89 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hortman	Lillie	Otremba	Solberg
Anzelc	Eken	Howes	Loeffler	Ozment	Swails
Atkins	Erhardt	Huntley	Madore	Paymar	Thao
Benson	Faust	Jaros	Mahoney	Peterson, A.	Thissen
Bigham	Fritz	Johnson	Mariani	Peterson, N.	Tillberry
Bly	Gardner	Juhnke	Marquart	Peterson, S.	Tingelstad
Brynaert	Greiling	Kahn	Masin	Rukavina	Tschumper
Bunn	Gunther	Kalin	Moe	Ruud	Urdahl
Carlson	Hansen	Knuth	Morgan	Sailer	Wagenius
Clark	Hausman	Koenen	Morrow	Scalze	Walker
Cornish	Haws	Laine	Mullery	Sertich	Ward
Davnie	Heidgerken	Lenczewski	Murphy, E.	Simon	Welti
Dill	Hilstrom	Lesch	Murphy, M.	Slawik	Wollschlager
Dittrich	Hilty	Liebling	Norton	Slocum	Spk. Kelliher
Dominguez	Hornstein	Lieder	Olin	Smith	

Those who voted in the negative were:

Buesgens	DeLaForest	Garofalo	Hackbarth	Olson
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The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3780, A bill for an act relating to occupations and professions; allowing optometrists to dispense a legend drug at retail under certain conditions; amending Minnesota Statutes 2006, sections 145.711, by adding a subdivision; 148.574.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Berglin, Rosen, Lourey, Lynch and Sheran.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Huntley moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3780. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3871 and 3535.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3871, A bill for an act relating to education; providing for prekindergarten through grade 12 education; including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding subdivisions; 120A.22, subdivisions 5, 6; 120A.24, subdivision 1; 120B.02; 120B.021, subdivision 1a; 120B.023, subdivision 2; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.14, by adding subdivisions; 122A.18, subdivisions 2, 2a, by adding subdivisions; 122A.75, subdivision 1; 123B.02, subdivision 21; 123B.14, subdivision 7; 123B.51, by adding a subdivision; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 124D.09, subdivision 5; 124D.095, subdivision 10; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 9, 20, 23; 124D.19, subdivision 14; 124D.522; 124D.60, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4; 125A.744, subdivision 3; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.024; 120B.30; 123B.143, subdivision 1; 123B.81, subdivision 4; 124D.095, subdivisions 4, 7; 124D.10, subdivisions 4, 23a; 125A.14; 125A.76, subdivision 2; 134.31, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 124D; 125B; 127A; repealing Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.67; 125A.16; 125A.19; 125A.20; 125A.57; Laws 2006, chapter 263, article 3, section 16.

The bill was read for the first time.

Greiling moved that S. F. No. 3871 and H. F. No. 4018, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3535, A bill for an act relating to pupil transportation; creating an Office of Pupil Transportation Safety; prescribing staffing and duties; requiring report; appropriating money; amending Minnesota Statutes 2006, section 169.435.

The bill was read for the first time and referred to the Committee on Finance.

CALENDAR FOR THE DAY

S. F. No. 3396 was reported to the House.

Seifert moved to amend S. F. No. 3396, the third engrossment, as follows:

Page 2, line 8, delete "and"

Page 2, line 10, before the period, insert "; and (3) has a household adjusted gross income of less than \$250,000 per year according to the borrower's most recent federal income tax return, provided that if the borrower was not required to file a federal income tax return, the borrower must qualify by providing the return that the borrower would have filed if required"

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 91 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gunther	Lanning	Otremba	Simpson
Anderson, B.	Dittrich	Hackbarth	Lenczewski	Ozment	Slocum
Anderson, S.	Doty	Hamilton	Liebling	Paulsen	Smith
Atkins	Drazkowski	Hansen	Madore	Paymar	Solberg
Beard	Eastlund	Haws	Magnus	Peppin	Swails
Benson	Eken	Heidgerken	Marquart	Peterson, N.	Urdahl
Berns	Emmer	Holberg	Masin	Peterson, S.	Ward
Bigham	Erhardt	Hoppe	McFarlane	Poppe	Wardlow
Brod	Erickson	Hortman	McNamara	Rukavina	Welti
Brown	Faust	Hosch	Morgan	Ruth	Westrom
Buesgens	Finstad	Howes	Morrow	Ruud	Zellers
Bunn	Fritz	Juhnke	Nelson	Sailer	
Cornish	Gardner	Kalin	Nornes	Scalze	
Dean	Garofalo	Knuth	Norton	Seifert	
DeLaForest	Gottwalt	Koenen	Olin	Severson	
Demmer	Greiling	Kohls	Olson	Shimanski	

Those who voted in the negative were:

Anzelc	Dominguez	Johnson	Mahoney	Peterson, A.	Tingelstad
Bly	Hausman	Kahn	Mariani	Sertich	Tschumper
Brynaert	Hilstrom	Laine	Moe	Simon	Wagenius
Carlson	Hilty	Lesch	Mullery	Slawik	Walker
Clark	Hornstein	Lieder	Murphy, E.	Thao	Winkler
Davnie	Huntley	Lillie	Murphy, M.	Thissen	Wollschlager
Dill	Jaros	Loeffler	Pelowski	Tillberry	Spk. Kelliher

The motion prevailed and the amendment was adopted.

Emmer moved to amend S. F. No. 3396, the third engrossment, as amended, as follows:

Page 2, line 8, delete "and"

Page 2, line 10, before the period, insert "; and (3) is a legal United States resident"

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 73 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Kohls	Otremba	Smith
Anderson, B.	Dettmer	Hackbarth	Lanning	Paulsen	Swails
Anderson, S.	Dittrich	Hamilton	Lenczewski	Pelowski	Urdahl
Beard	Doty	Haws	Magnus	Peppin	Ward
Berns	Drazkowski	Heidgerken	Marquart	Peterson, S.	Wardlow
Bigham	Eastlund	Hilstrom	McFarlane	Poppe	Welti
Brod	Eken	Holberg	McNamara	Ruth	Westrom
Brown	Emmer	Hoppe	Morgan	Scalze	Zellers
Buesgens	Erickson	Hortman	Morrow	Seifert	
Bunn	Finstad	Hosch	Nornes	Severson	
Cornish	Gardner	Kalin	Norton	Shimanski	
Dean	Garofalo	Knuth	Olin	Simon	
DeLaForest	Gottwalt	Koenen	Olson	Simpson	

Those who voted in the negative were:

Anzelc	Faust	Juhnke	Mariani	Rukavina	Tschumper
Atkins	Fritz	Kahn	Masin	Ruud	Wagenius
Benson	Greiling	Kranz	Moe	Sailer	Walker
Bly	Hansen	Laine	Mullery	Sertich	Winkler
Brynaert	Hausman	Lesch	Murphy, E.	Slawik	Wollschlager
Carlson	Hilty	Liebling	Murphy, M.	Slocum	Spk. Kelliher
Clark	Hornstein	Lieder	Nelson	Solberg	
Davnie	Howes	Lillie	Ozment	Thao	
Dill	Huntley	Loeffler	Paymar	Thissen	
Dominguez	Jaros	Madore	Peterson, A.	Tillberry	
Erhardt	Johnson	Mahoney	Peterson, N.	Tingelstad	

The motion prevailed and the amendment was adopted.

S. F. No. 3396, A bill for an act relating to real property; providing for the Minnesota Subprime Borrower Relief Act of 2008; proposing coding for new law in Minnesota Statutes, chapter 583.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anzelc	Bunn	Doty	Haws	Jaros	Lenczewski
Atkins	Carlson	Faust	Hilstrom	Johnson	Lesch
Benson	Clark	Fritz	Hilty	Kahn	Liebling
Bigham	Davnie	Gardner	Hornstein	Kalin	Lieder
Bly	Dill	Greiling	Hortman	Knuth	Lillie
Brown	Dittrich	Hansen	Howes	Kranz	Loeffler
Brynaert	Dominguez	Hausman	Huntley	Laine	Madore

Mahoney	Mullery	Pelowski	Scalze	Thao	Ward
Mariani	Murphy, E.	Peterson, A.	Sertich	Thissen	Wolti
Marquart	Murphy, M.	Peterson, S.	Simon	Tillberry	Westrom
Masin	Nelson	Poppe	Slawik	Tingelstad	Spk. Kelliher
Moe	Norton	Rukavina	Slocum	Tschumper	
Morgan	Ozment	Ruud	Smith	Wagenius	
Morrow	Paymar	Sailer	Swails	Walker	

Those who voted in the negative were:

Abeler	DeLaForest	Finstad	Hosch	Olin	Shimanski
Anderson, B.	Demmer	Garofalo	Juhnke	Olson	Simpson
Anderson, S.	Dettmer	Gottwalt	Koenen	Otremba	Solberg
Beard	Drazkowski	Gunther	Kohls	Paulsen	Urdahl
Berns	Eastlund	Hackbarth	Lanning	Peppin	Wardlow
Brod	Eken	Hamilton	Magnus	Peterson, N.	Winkler
Buesgens	Emmer	Heidgerken	McFarlane	Ruth	Wollschlager
Cornish	Erhardt	Holberg	McNamara	Seifert	Zellers
Dean	Erickson	Hoppe	Nornes	Severson	

The bill was passed, as amended, and its title agreed to.

Simon moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3780:

Huntley, Thissen, Norton, Loeffler and Brod.

MOTIONS AND RESOLUTIONS

Thao moved that the name of Huntley be added as chief author on H. F. No. 3924. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place S. F. No. 2492 on the Fiscal Calendar for Saturday, May 17, 2008.

ADJOURNMENT

Simon moved that when the House adjourns today it adjourn until 10:00 a.m., Saturday, May 17, 2008. The motion prevailed.

Simon moved that the House adjourn. The motion prevailed, and Speaker pro tempore Juhnke declared the House stands adjourned until 10:00 a.m., Saturday, May 17, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives